

COUNTY OF SAN DIEGO • DEPARTMENT OF PLANNING AND LAND USE

DATE: June 13, 2008

TO: Planning Commission

SUBJECT: TRAVEL PLAZA MULTI-USE COMMERCIAL FACILITY AND TRUCK STOP; MAJOR USE PERMIT MODIFICATION (P98-001W¹); OTAY SUBREGIONAL PLAN (District 5)

SUMMARY:

Overview

The project is a modification to a previously approved Major Use Permit (P98-024) on an approximately 80 acre parcel in the East Otay Mesa specific planning area. The previously approved permit was for truck and trailer parking and a multi-use commercial facility including fuel sales, service bays, offices, convenience store, driver services, restaurant, parking and a three story hotel. The previously approved uses were never constructed and the project site has remained vacant. The Major Use Permit Modification (P 98-024W¹) divides the project into two phases. Phase I is an interim use for truck and trailer storage; it is located in proposed future alignment for State Route 11. Phase II is the multi-use facility. The modification also includes three additional access points along Enrico Fermi Drive and a change in the location of the access points off Airway Road. It includes changes to the location of the detention basins and an increase in the slope ratio for those basins from 3:1 to 2:1. The interim use has been modified to add approximately 600 parking spaces in a previously undeveloped area.

Recommendation(s)

DEPARTMENT OF PLANNING AND LAND USE

Grant Major Use Permit Modification P98-024W1 that makes the appropriate findings and includes those requirements and conditions necessary to insure that the project is implemented in a manner consistent with the Zoning Ordinance and State Law.

Fiscal Impact

N/A

Business Impact Statement

N/A

Advisory Board Statement

N/A

SUBJECT: TRAVEL PLAZA MULTI-USE COMMERCIAL FACILITY AND TRUCK STOP; MAJOR USE PERMIT MODIFICATION (P98-001W¹); OTAY SUBREGIONAL PLAN (District 5)

Involved Parties

David Wick, TPO LLC

See Ownership Disclosure in Attachment E

BACKGROUND:

This is a request for a Modification to a previously approved Major Use Permit for the Travel Plaza. The Travel Plaza is a multi-use facility that is primarily designed to serve the truck transportation industry. The project site is located near the international border with Mexico and services are designed to go beyond the typical services offered at a “truck stop”. The Travel Plaza includes the following uses: fuel sales, service bays, convenience store, driver services, restaurant, hotel, miscellaneous space for vendors, passenger vehicle parking and truck and trailer parking and storage.

On June 9, 2000 the San Diego County Planning Commission granted approval of the Major Use Permit for Travel Plaza, P98-024. The approval was based on the projects’ conformance with the East Otay Mesa Specific Plan (EOMSP) and the Site Planning and Design Guidelines. The previously approved permit was for truck and trailer parking and a multi use-commercial facility including fuel sales, service bays, offices, convenience store, driver services, restaurant, parking and a three story hotel. The approval also included an interim use for additional truck, van and trailer parking and storage. The previously approved uses were never constructed and the project site remains vacant.

The project site is located in the East Otay Mesa Specific Plan (EOMSP). The EOMSP is a regulatory document to implement the objectives of the County of San Diego General Plan and the Otay Subregional Plan. The County Board of Supervisors (BOS) approved the EOMSP in July 1994. The Planning Commission granted approval of the Major Use Permit for the Travel Plaza pursuant to this Specific Plan document. The project was in the Mixed Industrial Use District of the Specific Plan. Due to the variety of uses proposed in the Travel Plaza, some of the uses were permitted “by right” in this district, some required the approval of a Major Use Permit, and some were permitted with limitations because they were considered “support commercial” use types. The previous applicant requested a Major Use Permit to cover all the uses based on language in the Specific Plan that stated, “The uses herein are specifically allowed. However, other uses unforeseen at the time of the Specific Plan adoption are allowed by a Major Use Permit.”

On June 12, 2002, the County Board of Supervisors approved a Specific Plan Amendment (SPA 00-005) which amended the original Specific Plan and divided the Specific Plan into two Subareas, Subarea 1 and Subarea 2. Subarea 2 remains governed by the original East Otay Mesa Specific Plan including the original Site Planning and Design Guidelines. Subarea 1, in which the project is located, was designed to facilitate development and respond to evolving real estate market trends in the area. The objectives of the plan are the following:

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- Facilitate Development in East Otay Mesa as a major employment area for southern San Diego County;
- Encourage and protect an area of critical size for regional technology manufacturing uses in a campus-like setting;
- Provide adequate land use area for Warehousing and other light industrial uses;
- Provide an area for heavy industrial uses that will not interfere with the more sensitive industrial park developments;
- Provide commercial uses to serve employees and visitors;
- Identify and address environmental resources;
- Plan for public facilities concurrent with need.

On August 19, 2004, the current applicant requested a modification to amend the previously approved Major Use Permit. The DPLU had removed the language that allowed “other uses unforeseen at the time of the Specific Plan” in the Specific Plan Amendment. However, because the Major Use Permit had previously been approved pursuant to the original Specific Plan and “use in reliance” had been established, the DPLU agreed to allow the previously approved uses of the Major Use Permit. According to Section 7374 of the Zoning Ordinance, a Use Permit shall expire unless construction and/or use of the property in reliance on the permit have commenced prior to the expiration. In this case, the applicant had already completed the construction of Enrico Fermi Drive from Airway Road north to Otay Mesa Road and therefore had established “use in reliance”.

The Major Use Permit Modification (P 98-024W¹) divides the project into two phases. It includes three additional access points along Enrico Fermi Drive and a change in the location of the access points off Airway Road. It also includes changes to the location of the detention basins and an increase in the slope ratio from 3:1 to 2:1. The interim use has been modified to add approximately 600 parking spaces in a previously undeveloped area. These changes are shown on a new plot plan (Attachment A) that is consistent with the Development Standards of the Specific Plan Amendment (SPA), with one exception. A chain link fence, prohibited by the Site Planning standards of the SPA, is proposed for Phase 1, the interim use for truck and trailer storage in the location of the future alignment for State Route 11. This use was allowed for the interim use previously for security purposes and will continue to be permitted until the interim use expires or until the SR-11 is constructed.

In addition to reviewing the project pursuant to the Specific Plan, the Major Use Permit Modification was reviewed for conformance with the California Environmental Quality Act (CEQA) and other applicable County Ordinances. To evaluate the potential impacts of the modification, an updated Grading Plan, Traffic Study, Fire Protection Plan, Preliminary Drainage Study and Stormwater Management Plan was requested for review. Analyses of the noise impacts as well as biological impacts had been completed for the previously approved Major Use Permit and were determined to be adequate for review of the modification. The previously approved acoustical analysis concluded that mitigation measures were required to avoid adverse noise conditions. These measures are carried forward with this modification.

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The biological resource on the site, with the exception of the previously disturbed areas, is non-native grassland vegetation. The site is located in a Minor Amendment Area of the South County Segment of the County of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan. The County of San Diego prepared MSCP findings dated March 20, 2006 and the California Department of Fish and Game and the United States Fish and Wildlife Service sent a letter of concurrence dated March 30, 2006 (Attachment C). The amendment to the MSCP had to be completed prior the issuance of a Major Grading Permit for the project site, L14632, approved by the Department of Public Works on April 21, 2006. The project has fulfilled its obligation to mitigate for impacts to 73.5 acres of non native grassland and has qualified for an amendment to the MSCP.

The DPLU determined that an Addendum to the Previously Approved Environmental Impact Report is the appropriate CEQA document for this Major Use Permit Modification. The reason for this determination is explained in Environmental Review Update Checklist Form For projects with Previously Approved Environmental Documents in Attachment C.

PROJECT ISSUES:

No project issues have been identified. For a complete discussion of the project, see the Land Use Analysis, Attachment F.

WAIVERS AND EXCEPTIONS:

N/A

ENVIRONMENTAL STATUS:

The environmental document prepared for this project is comprised of the EIR for the East Otay Mesa Specific Plan as amended by An Addendum to the EIR for Purposes of Consideration of Travel Plaza Major Use Permit Modification P98-024W1 dated March 10, 2008 on file with DPLU as Log No. 93-19-006N. See Attachment C for the environmental documentation.

PREVIOUS ACTIONS:

On June 9, 2000, the San Diego County Planning Commission granted Major Use Permit, P98-024, for the Travel Plaza.

ACTIVITIES UNDERTAKEN WITHOUT APPROPRIATE PERMITS:

N/A

PUBLIC INPUT:

The Otay Subregional Planning Area does not have a planning group. No other member of the public has commented.

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DEPARTMENT REASONS FOR RECOMMENDATION:

1. The project, as proposed, is consistent with the 21 (Specific Plan Area) Special Purpose Designation of the General Plan because it proposes a use consistent with the East Otay Mesa Specific Plan.
2. The project, as proposed, is consistent with the Otay Subregional Plan because it proposes a use that will serve the Otay community by providing a service for transportation across the border between the United States and Mexico.
3. The project, as proposed, is consistent with the S88 Specific Plan Use Regulation because it proposes development consistent with the East Otay Mesa Specific Plan
4. The project, as proposed, does comply with all required findings of Modification to a Major Use Permit pursuant to Section 7378 of the Zoning Ordinance as described and incorporated in the attached Form of Decision.
5. The project complies with the California Environmental Quality Act and State and County CEQA Guidelines because the project has completed an Addendum to a Previously certified EIR dated March 10,2008 and on file with the Department of Planning and Land Use as Environmental Review No. 93-19-006N.

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cc: Toby Hallal, 2900 4th Avenue, Suite 206, San Diego, CA 92103
TPO, LLC. Attn: David Wick, 5440 Morehouse Drive, Suite 4000, San Diego, CA 92121
Rick Lantis, DPW Project Manager, Department of Public Works, M.S. O336
Rosemary Rowan, Planning Manager, Department of Planning and Land Use, M.S. O650
Lisa Robles, Case Closure, Department of Planning and Land Use, M.S. O650
Carl Hebert, Case Tracking System, Department of Planning and Land Use, M.S. O650

ATTACHMENTS:

Attachment A – Planning Documentation
Attachment B – Form of Decision Approving P98-024W¹
Attachment C – Environmental Documentation
Attachment D – MSCP Documentation
Attachment E – Ownership Disclosure
Attachment F – Land Use Analysis

CONTACT PERSON:

Daniella Rosenberg

Name

858 694-3829

Phone

858 694-3373

Fax

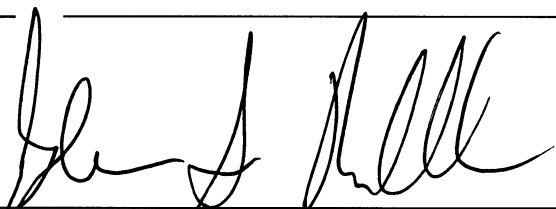
O650

Mail Station

Daniella.rosenberg@sdcounty.ca.gov.

E-mail

AUTHORIZED REPRESENTATIVE:


For ERIC GIBSON, INTERIM DIRECTOR

Attachment A

Planning Documentation

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ADDITIONAL INFORMATION CASE SHEET

APPLICATION

Meeting Date: June 13, 2008

Type: Major Use Permit Modification	Case No. P 98-024W1
Owner/Applicant: TPO LLC	ENVIRONMENTAL STATUS: Addendum to an Environmental Impact Report
Agent: Toby Hallal	
Project Manager: Daniella Rosenberg	Analyst: Daniella Rosenberg
Account No. 04-15749	Log No. 93-19-006N

SITE/PROJECT DESCRIPTION

Community: Otay	Location: NE corner of Airway and Enrico Fermi	Thomas Bros.: 1352, B/2
<p>Project: The project is a modification to the existing Major Use Permit for Travel Plaza to allow development of the site in two phases including interim truck and trailer storage for Phase I and multi-use truck travel plaza as the ultimate use for Phase II.</p> <p>Site: Currently vacant land prepared for development.</p>		
SURROUNDING LAND USES & ZONING: <u>North:</u> S88/Specific Plan Technology Business Park	<u>South:</u> S88/Specific Plan Light Industrial	<u>East:</u> S88/Specific Plan Technology Business Park
		<u>West:</u> S88/Specific Plan Technology Business Park/Light Industrial

PROJECT STATISTICS

Total Area: 62,941 (building square footage)	Proposed Density: N/A														
Lot Size: 80 acres	Number of Lots/Units: N/A														
<table style="width: 100%;"> <tr> <td style="width: 40%;"><u>DISTRICT</u></td> <td style="width: 60%;"><u>NEAREST FACILITY</u> <u>SERVICE LETTER AVAILABILITY</u></td> </tr> <tr> <td>Sanitation: Otay Sanitation</td> <td>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></td> </tr> <tr> <td>Water: Otay Water</td> <td>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></td> </tr> <tr> <td>Fire: Rural Fire Protection</td> <td>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></td> </tr> <tr> <td>Elementary School: N/A</td> <td></td> </tr> <tr> <td>High School: N/A</td> <td></td> </tr> <tr> <td>Sphere of Influence: City of San Diego</td> <td></td> </tr> </table>		<u>DISTRICT</u>	<u>NEAREST FACILITY</u> <u>SERVICE LETTER AVAILABILITY</u>	Sanitation: Otay Sanitation	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Water: Otay Water	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Fire: Rural Fire Protection	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Elementary School: N/A		High School: N/A		Sphere of Influence: City of San Diego	
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Sanitation: Otay Sanitation	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>														
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Elementary School: N/A															
High School: N/A															
Sphere of Influence: City of San Diego															

GENERAL PLAN

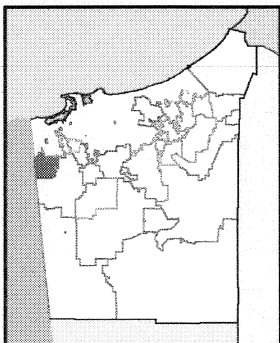
ZONING

Community/Subregion: Otay Subregional Designation/Density: (21) Specific Planning Area	Existing: S88 Proposed: S88
Regional Category: CUDA-Current Urban Development Area Project/Plan Conformance: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Minimum Lot Size: 30,000 Square Feet Maximum Density: N/A Project/Zone Consistency: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

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Travel Plaza Major Use Permit Modification APN: 648-070-09 Aerial Map

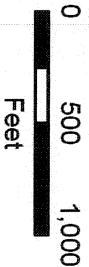


1:3,500,000

Legend

-  Site - APN: 648-070-09
-  Roads

Aerial Photo - Flown 2006

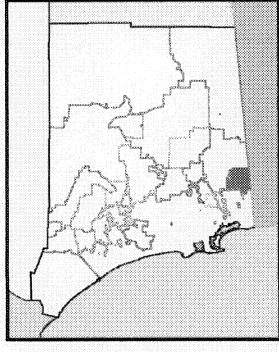


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Travel Plaza Major Use Permit Modification

APN: 648-070-09

General Plan Map



1:3,500,000

Legend



Site



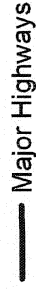
GenPlan



Parcels



Freeways



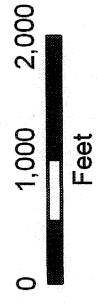
Major Highways



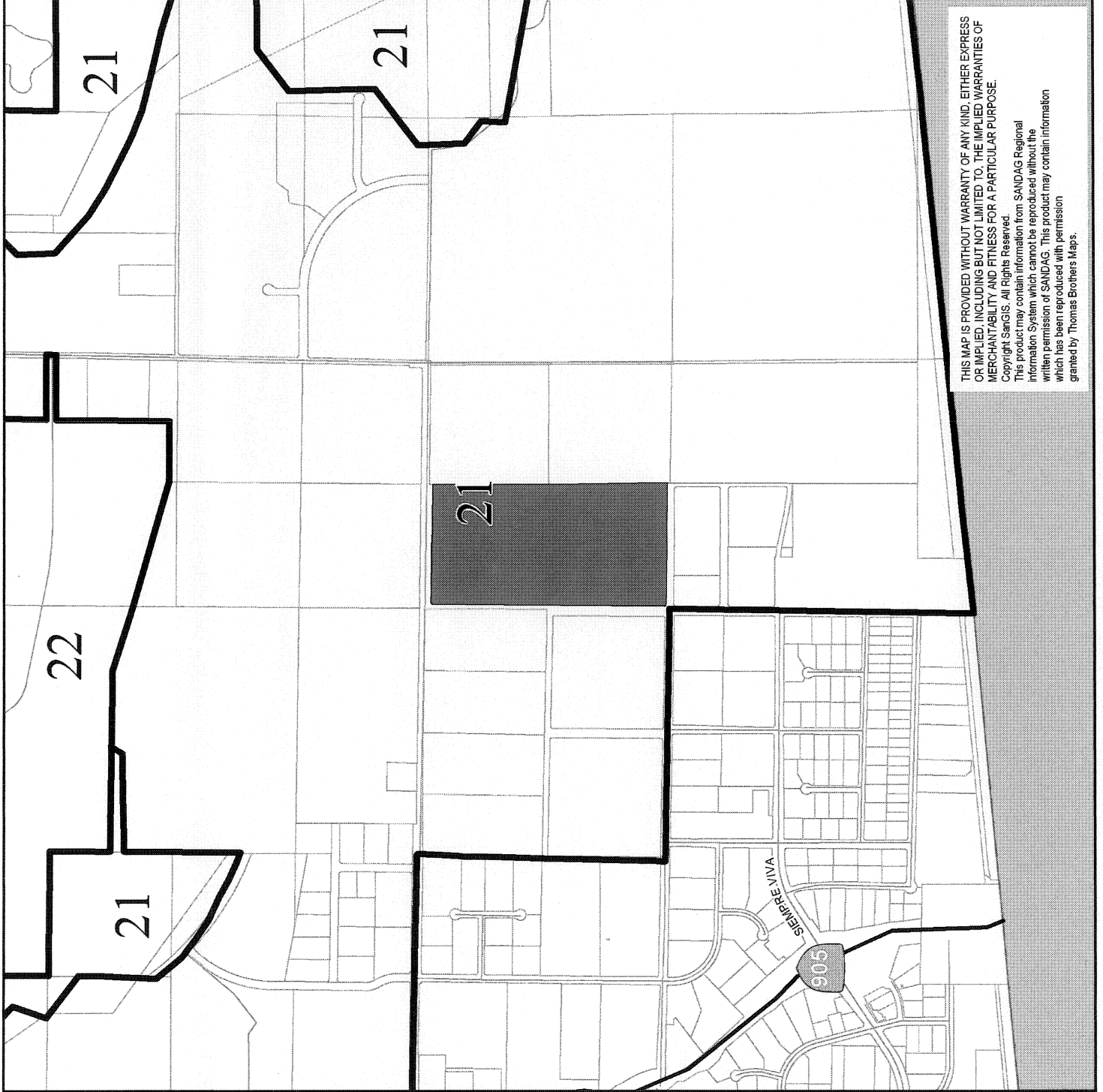
Roads

General Plan Descriptions:

- 21 - Specific Planning Area
- 22 - PUBLIC/SEMI-PUBLIC LANDS



Date: 5/13/2008
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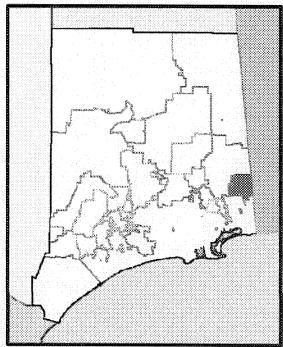


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Travel Plaza Major Use Permit Modification

APN: 648-070-09

Zoning Map

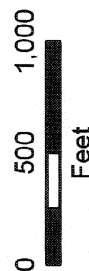


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Legend

- Site - APN: 648-070-09
- Zoning
- Community Planning Area
- Parcels
- Freeways
- Major Highways
- Roads

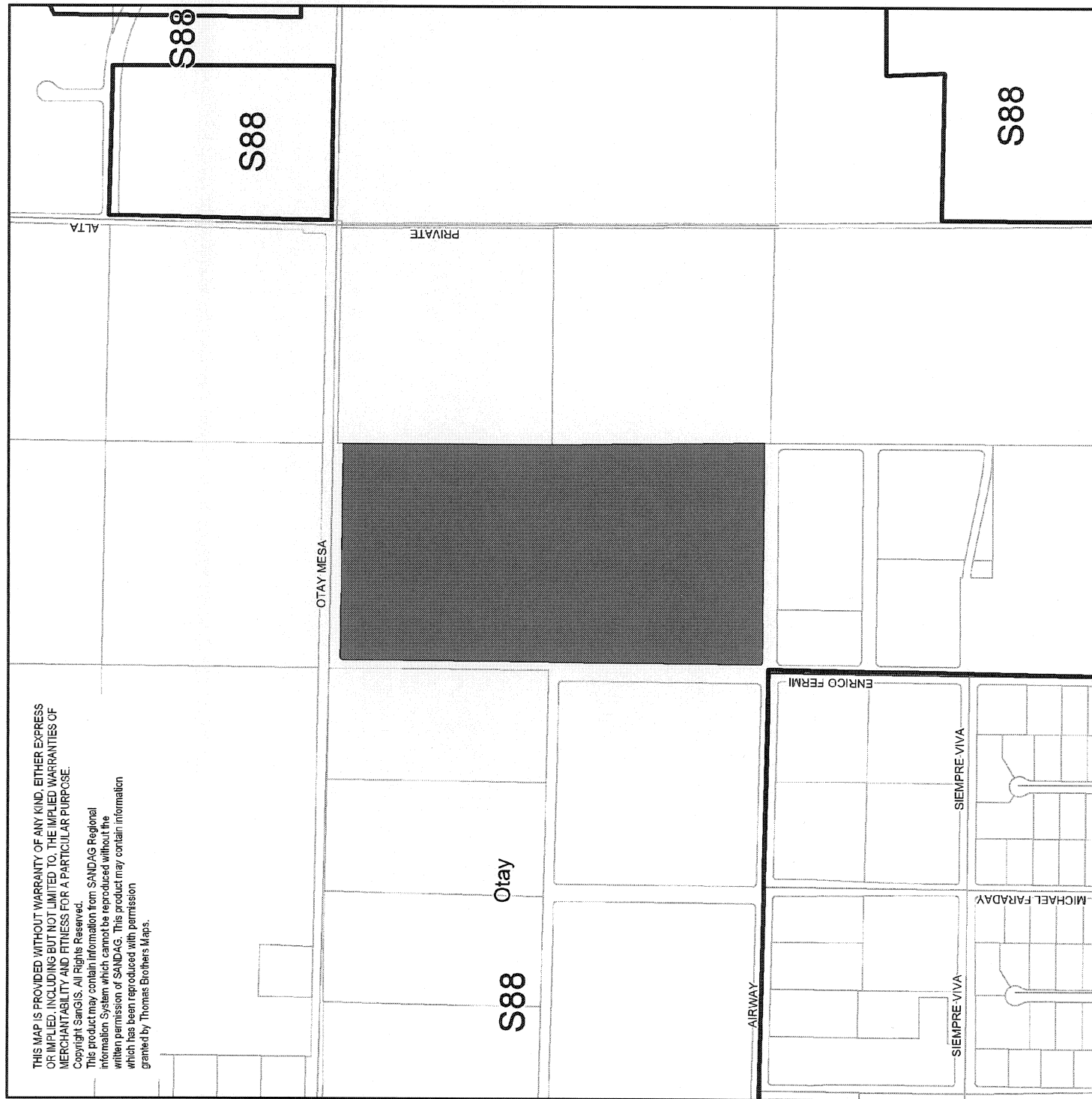
Zoning Descriptions:
S88 - SPECIFIC PLAN

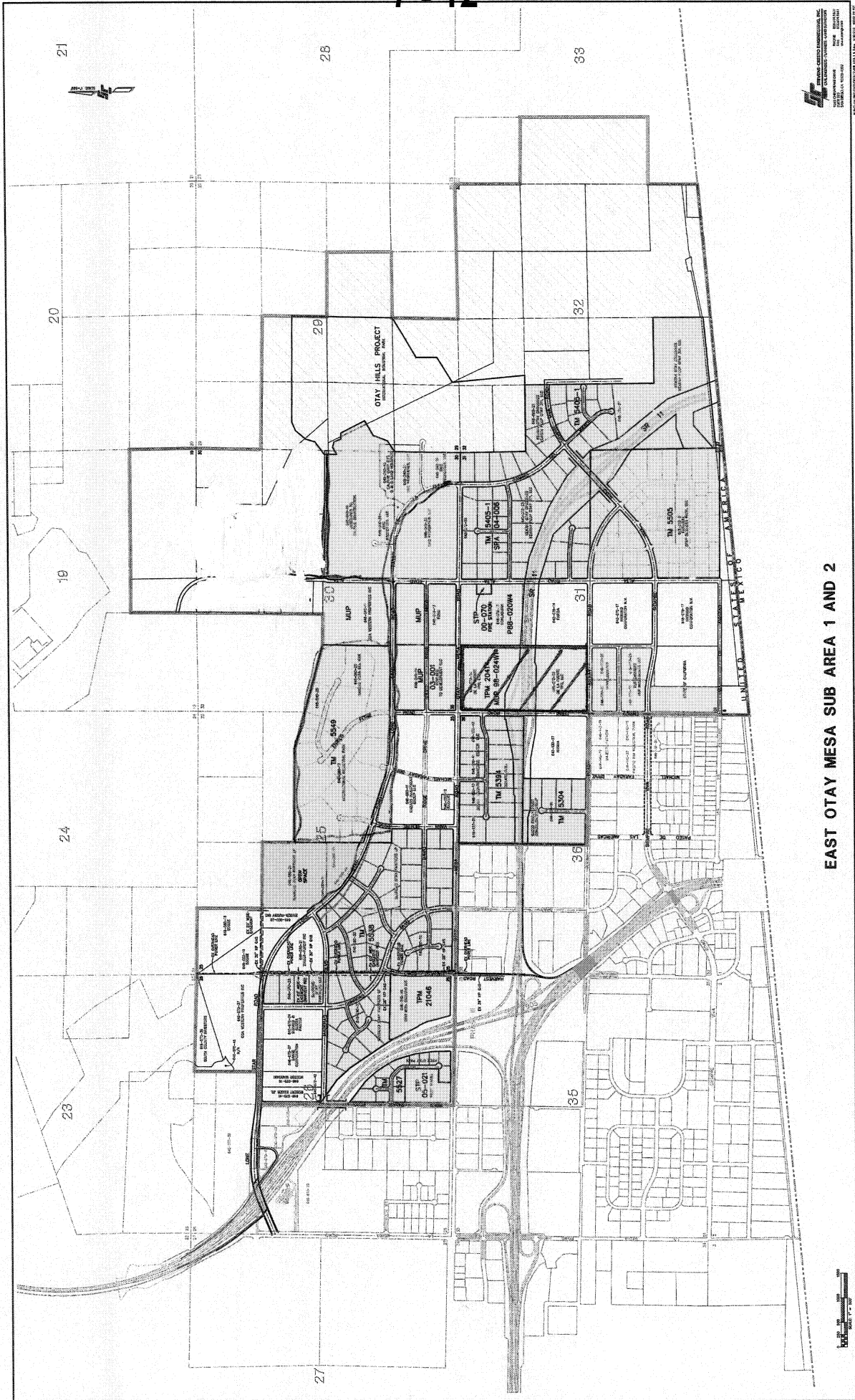


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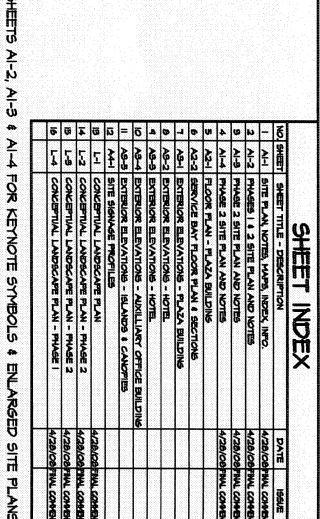
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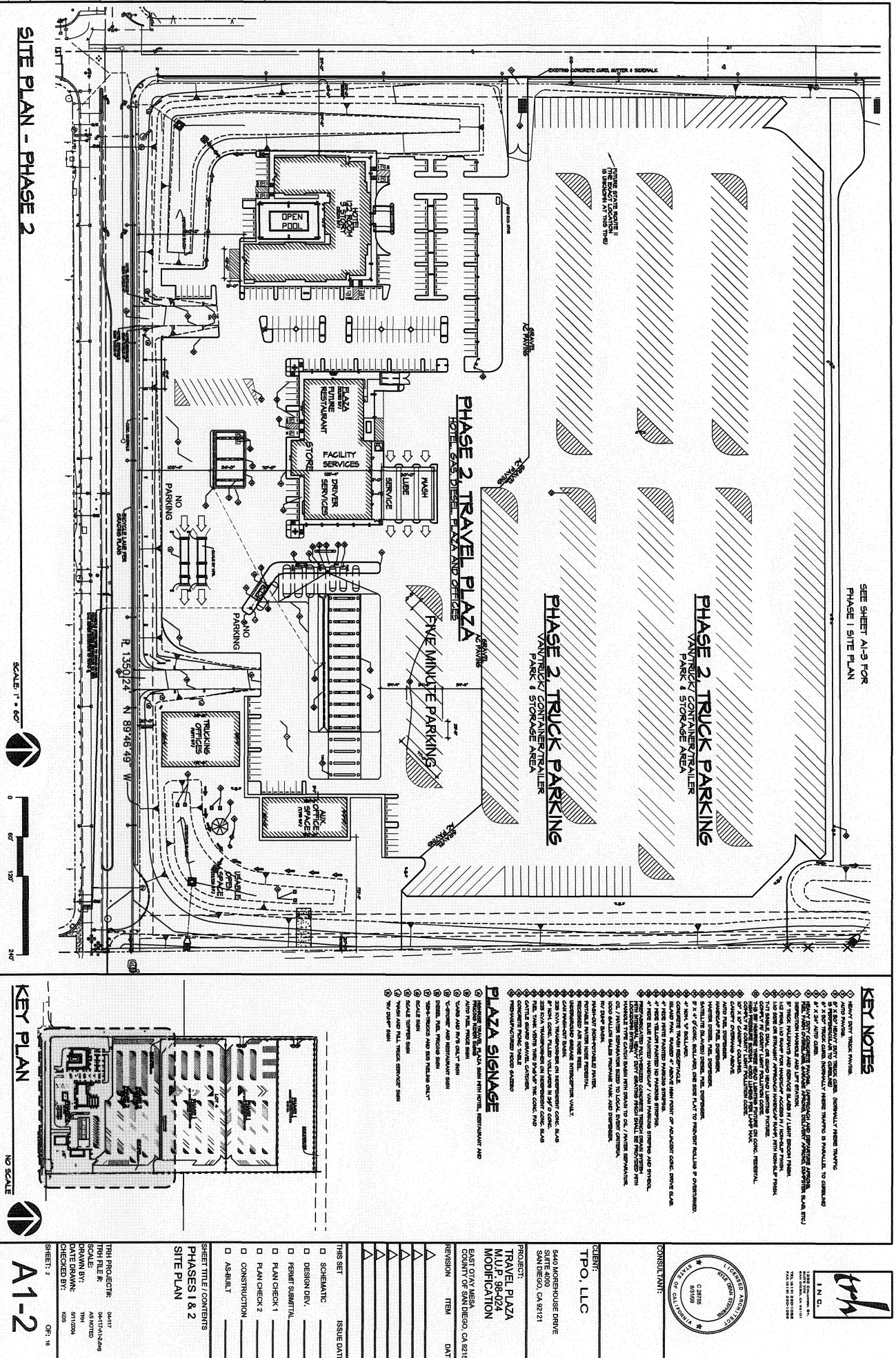
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EAST OTAY MESA SUB AREA 1 AND 2

[illegible]





A1-4

Attachment B

Form of Decision Approving
P98-024W¹

S A N D I E G O C O U N T Y P L A N N I N G C O M M I S S I O N

5201 Ruffin Road

San Diego, CA 92123

~~June 9, 2000~~June 13, 2008

Decision of the Planning Commission
On the application of East Otay mesa Associates, LP
Application Number P98-024W1

GRANT, a Major Use Permit, pursuant to Section 2888b. of The Zoning Ordinance and the East Otay Mesa Specific Plan (SP 93-004, SPA 98-002) , for a Travel Plaza. A Travel Plaza is a multi-use commercial facility that is primarily designed to serve persons involved in truck transportation. The project site is located near the international border and the services that will be offered are intended to go beyond the uses found within a typical "truck stop". The Travel Plaza includes the following uses: fuel sales, service bays, convenience store, driver services, restaurant, hotel, truck parking, miscellaneous space for vendors, and passenger vehicle parking. Section 3.2 of the Specific Plan text addresses "Land Regulations" and lists the various uses types allowed within the Specific Plan. In addition, the introduction to this section includes the following statement: "The uses listed herein are specifically allowed. However, other uses unforeseen at the time of Specific Plan Adoption are allowed by Major Use Permit." The type and combination of proposed uses constitute a unique "travel plaza" use type.

In addition, an Interim Use is granted, pursuant to Section 2888b of the Zoning Ordinance and the East Otay Mesa Specific Plan for a Van/Trailer Storage area. This area is allowed to have a 10 foot high chain link fence with a 24 inch barbed wire security topper provided it is obscured by landscaping as required by a following condition.

GRANT, as per plot plan dated April 30, 2008, consisting of 16 sheets, as amended and approved concurrently herewith, a Major Use Permit Modification, pursuant to Section 2888b. of The Zoning Ordinance and the East Otay Mesa Specific Plan Sub Area 1, SPA 06-003 (~~SP 93-004, SPA 98-002~~) , for a modification to the approved Major Use Permit for Travel Plaza. The modification divides the project into two phases. It also includes three additional access points along Enrico Fermi Drive and a change in the location of the access points off Airway Road. It also includes changes to the location of the detention basins and an increase in the slope ratio for those basins from 3:1 to 2:1.

GRANT, as per plot plan dated April 30, 2008, consisting of 16 sheets, as amended and approved concurrently herewith an Interim Use, pursuant to Section 2888b of the Zoning Ordinance and the East Otay Mesa Specific Plan for a Van/Trailer Storage area. The modification to the interim use includes the addition of 600 truck and trailer parking spaces. The interim use is Phase I of the Major Use Permit.

Building permit plans must conform in detail to this approved design. Failure to conform can cause delay to or denial of building permits and require formal amendment of this approved design. No waiver of the Uniform Building Code standards or any other code or ordinance is intended or implied.

A. Prior to obtaining any permit other than a building permit pursuant to this Major Use Permit, including improvement plans and grading permit and prior to commencement of construction or use of the property in reliance on this Major Use Permit, the applicant shall:

1. ~~Submit for the approval of the Director of Planning and Land Use a revised plot plan. The project has been reviewed for consistency with the "B" Designator requirements for community design review pursuant to the East Otay Mesa Site Planning and Design Guidelines. The following revisions to the original plot plan (dated November 13, 1998) will make the project consistent with said Guidelines.~~
 - a. ~~The graded slope along the northerly project boundary adjacent to Otay Mesa Road shall have a slope ratio no greater than 3:1.~~
 - b. ~~No graded slope height shall be greater than 15 feet (see figure 2 of the Guidelines).~~
 - c. ~~Access to the site shall be from Airway Road only one access shall be where the easterly property line intersects Airway Road and the other shall be approximately 800 feet from the intersection of Enrico Fermi Road and Airway Road. A distance of less than 800 feet may be allowed following a review and recommendation by the Director of Public Works. No is permitted from Enrico Fermi Road.~~
 - d. ~~The landscape concept plan shall show landscaping that is appropriate for screening trucks, with trailers. Said landscaping shall be located along the east and west project boundaries and around the perimeters of the Van/Trailer Storage areas.~~
 - e. ~~One loading space shall be provided for the hotel.~~
 - f. ~~Landscaping must be provided for the truck parking area.~~
 - g. ~~Landscaping must be proposed adjacent to the proposed structures as shown in Figure 11 on Page 13 of the Guidelines.~~
 - h. ~~The original plot plan proposed 50 foot, high-rise light standards with tree metal Halide 1,000 watt lamps. These are not consistent with the Light Pollution Control Dark Sky Ordinance. The revised plot plan must demonstrate how the proposed lighting will be consistent with the Ordinance and the following requirements from the Guidelines:~~

- ~~(1) All lighting except bollard or pole lighting up to 12 feet in height shall be indirect or shall incorporate a full cut-off type fixture, no output above 90 degrees. No lighting fixtures shall exceed 35 feet in height. No private lighting shall spill onto another property.~~
- ~~(2) The project shall provide side and rear property line pole lighting mounted on a cylindrical concrete base with a fixture height sufficient to provide the minimum standard site lighting. The light source shall be an improved color corrected high pressure sodium lamp (GE deluxe lucalox or equal).~~
- ~~(3) The parking area illumination level shall achieve a uniformity ratio of 3:1 (average to minimum) with a maintained average of one foot candle and a minimum of .5 foot candle.~~
- ~~(4) High pressure sodium lamp output is limited by the Light Pollution Code to 4,050 lumens per lamp maximum.~~
- ~~(5) Building illumination and architectural lighting shall be indirect in character (no light source visible). Architectural lighting should articulate and animate entrances and other prominent architectural elements, as well as provide the required functional lighting for safety and clarity of pedestrian movement. Indiscriminate wall washing of an entire façade should be avoided.~~
- ~~i. The color of signs shall be limited to three in addition to black and white except for company symbols.~~
- ~~j. Freestanding Signs are not permitted.~~
- ~~k. The light source for externally illuminated signs shall be fully shielded from view. Internally illuminated plastic signs (where the entire box is illuminated) are not permitted; however, individually illuminated letters are allowed. Signs with flashing or moving light or moving parts are prohibited.~~
- ~~l. No signs are allowed above the highest portion of the building.~~
- ~~m. Roof signs are not permitted.~~
- ~~n. No signs are permitted to interrupt architectural features.~~
- ~~o. The northerly 30 acres of the project site shall be indicated on the revised plot plan as a "No Development Area".~~

- ~~p. Project development must maintain a 15 foot setback from an interior property line.~~
- ~~q. The revised plot shall be submitted to the San Diego Rural Fire Protection District and CalTrans for their review and recommendation.~~
- ~~r. A note shall be placed on the parcel Map as follows: "State Route 11 is being proposed to lie within this parcel map. The location and width of the right-of-way and the appurtenant slopes and drainage improvements is not known."~~
- ~~s. The engineer or surveyor shall contact the Department of Public Works to determine the location of the centerline for Otay Mesa Road (SG 1120), which is shown on the Circulation Element of the County general Plan as a Prime Arterial Road plus bike lanes. The following shall be shown on the plot plan:~~
 - ~~(1) Centerline location as approved by the County of San Diego, Department of Public Works.~~
 - ~~(2) Building line which is eighty six feet (86') from the centerline of the road and identified by a line drawn at the appropriate location and labeled, "Limit of Building Line."~~
 - ~~(3) Show the ultimate drainage and slope limits on the Parcel Map. A profile and cross section sufficient to verify these limits shall be submitted to the Department of Public Works, for review and approval.~~
- ~~t. Prior to preparation of the Parcel Map, The engineer or surveyor preparing the map shall contact the Department of Public Works to determine the desired location of the centerline for Enrico Fermi Drive (SA 1105), which is shown on the Circulation Element of the County General Plan as a Major Road. The following shall be shown on the Parcel Map.~~
 - ~~(1) The centerline location as approved by the County of San Diego, Department of Public Works.~~
 - ~~(2) A building line which is sixty nine feet (69') from the centerline of the road identified by a line drawn at the appropriate location and labeled, "limit of Building line."~~
 - ~~(3) Show the ultimate drainage and slope limits on the Parcel Map. A profile and cross section sufficient to verify these limits shall be submitted to the County of San Diego, Department of Public Works, for review and approval.~~

- ~~u. Prior to preparation of the Parcel Map, The engineer or surveyor preparing the map shall contact the Department of Public Works to determine the desired location of the centerline for Airway Road (SG 2300), which is shown on the Circulation Element of the County General Plan as a Major Road plus bike lanes. The following shall be shown on the Parcel Map:~~
- ~~(1) The centerline location as approved by the County of San Diego, Department of Public Works.~~
 - ~~(2) A building line which is seventy four (74') from the centerline of the road, identified by a line drawn at the appropriate location and labeled, "limit of Building Line."~~
 - ~~(3) Show the ultimate drainage and slope limits on the Parcel Map. A profile and cross section sufficient to verify these limits shall be submitted to the Department of Public Works, for review and approval.~~
- ~~v. Lines of inundation to the limits of the 100 year flood along the watercourse, which flow through the property, shall be shown and labeled "Subject To Inundation By The 100 Year Flood" on the plot plan.~~
- ~~(1) The subdivider's civil engineer will provide the necessary hydrology and hydraulics to define the 100 year floodplain limits and annotate the limits on a copy of the Tentative Parcel Map, approved by the County of San Diego, Director of Planning and Land Use. Each parcel shall have a flood free building site to the satisfaction of the County of San Diego, Director of Public Works. If any of the parcels are found to be devoid of a buildable, flood free site, the subdivider shall take appropriate action so that each parcel does have a buildable flood free site. This pertains to watersheds having area of twenty five (25) or more acres.~~
 - ~~(2) Obtain a grading plan and permit for the grading as shown on MUP 98-024. Detention facilities shall be addressed/ included in the grading plan. The subdivider shall have the option to enter into an agreement with the City of San Diego to address detention (for the area that drains to Mexico via the City of San Diego). The subdivider shall grant an easement to the County of San Diego, over private detention control structures (and areas), that prevents inadvertent damage or deletion of on-site detention. All of the foregoing shall be to the satisfaction of the Director of Public Works.~~

1. Pay off all existing deficit accounts associated with processing this application to the satisfaction of the Department of Planning and Land Use and Department of Public Works.
 2. Deposit with the Department of Public Works sufficient funds to cover the cost of inspection of the private improvements.
 3. Provide verification that a qualified paleontologist and/or paleontological monitor has been retained to monitor construction prior to any cutting within sensitive formations. The qualified paleontologist shall attend pre-construction meetings to discuss grading plans with the excavation contractor. The requirement for paleontological monitoring shall be noted on the grading and/or improvement plans. The paleontologist's duties shall include monitoring, salvaging, preparation of materials for deposit at a scientific institution that houses paleontological collections, and preparation of a results report. These duties are as follows:
 - a. The paleontological monitor shall be on-site during the initial cutting of previously undisturbed areas of sensitive formations to inspect for well preserved fossils. The paleontologist shall work with the contractor to determine the monitoring locations and the amount of time necessary to ensure adequate monitoring of the project site.
 - b. In the event well preserved fossils are found, the paleontologist shall have the authority to divert, direct or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains in a timely manner. At the time of discovery, the paleontologist shall contact the Department of Planning and Land Use for concurrence with salvaging methods before construction is allowed to resume.
 - c. A report documenting the results of the paleontological monitoring program shall be prepared by the paleontologist for review and approval by the Department of Planning and Land Use.
 4. Participate in the construction of improvements to the existing Otay Mesa Road (SR 905)/Old Otay Mesa Road intersection. The applicant's share of improvements will help mitigate significant impacts caused by the Sunroad Centrum project (TM 5139). This project's impacts are cumulative in nature and will only be significant if Sunroad Centrum is developed. If this project precedes Sunroad Centrum, then payment of this project's share of the improvements shall be made prior to recordation of the Sunroad Centrum Map (TM 5139). The fair share contribution shall be \$48,950. This requires a private agreement between the applicant and the Sunroad Centrum Project.
- B. Prior to the issuance of building permits the applicant shall:

~~1. Record Tentative Parcel Map 20414RPL².~~

2. 1. Submit to and receive approval from the Director of Planning and Land Use a complete and detailed Landscape Plan. Landscape Plans shall be prepared by a California licensed landscape architect and shall fulfill the requirements of the Landscape Water Conservation Ordinance and Design Manual. The Landscape Plans and review fee shall be submitted to the Current Planning Division, Zoning Counter. Plans shall include:
- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit from the Department of Public Works approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s)-of-way shall be maintained by the landowner(s) shall be submitted to the Department of Planning and Land Use.
 - b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used that can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
 - c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring permanent irrigation system. For areas of native or naturalizing plant material, the Landscape Plan shall show a method of irrigation adequate to assure establishment and growth of plants through two growing seasons.
 - d. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
 - e. The location and detail of all walls, fences, and walkways shall be shown on the plans. A lighting plan and light standard details shall be included in the plans.
 - f. Additionally, the following items shall be addressed as part of the landscape plans:
 - 1. Landscape Plan shall be consistent with the conceptual Landscape Plan ~~approved as part of the revised plot plan~~

~~required as a condition of approval of this permit dated~~
April 30, 2008.

2. Within the street setbacks the maximum slope height shall not exceed ~~3:1~~ 2:1 and the average mound height should be 30 inches. Existing and/or rough graded slopes in excess of ~~3:1~~ 2:1 that may occur upon installation of street improvements should be regarded to provide the same general effect by rounding and rolling the tops and toes of slopes. Where turf grass is planned, maximum slope shall be ~~5:4~~ 2:1.
3. On-site tree planting within the landscaped setback shall be coordinated with public right-of-way street tree planting. Along Airway Road and Enrico Fermi Road, the on-site trees shall be coordinated with street trees to create an alternating pattern of evergreen trees as depicted on ~~Figures 2-16 and 2-17~~ of in the Specific Plan.
4. Traffic signal boxes, transformers, telephone switching boxes and other public utility structures should be located underground or screened with appropriate landscaping or architectural treatment.
5. All landscape plans proposing the use of reclaimed water for irrigation ~~must first be submitted to the Department of Environmental Health for their review. Once approved, a Reclaimed Water number will be assigned to the project, this number must show up on the title sheet of the landscape plans along with any pertinent notes required by DEH are approved by the Department of~~
Environmental Health and the Otay Water District. Reclaimed Water Number is 2516 and is shown on the title sheet of the approved irrigation plans.
6. Please clarify all ground cover types proposed. The planting legend shows two types, but graphically, there seems to be three symbols identifying ground cover.
7. Turf is not allowed within parking lot islands or in areas less than 6' wide in any direction. Please review and make necessary revisions.
8. Please address required median planting within Otay Mesa Rd. Per the Specific Plan, Fruitless Olive trees shall be planted on 25' centers. See page 119 of the Specific Plan text.

2. Upon its formation, provide evidence of participation in an ongoing mechanism to fund landscape maintenance within the public right-of-way.
3. Upon its formation, provide evidence of participation in the development and operation of a new sheriff sub-station
4. The project shall be served by a municipal water system capable of delivering a minimum of 2,500 gallons per minute, or a greater amount if required by the Fire Protection Plan. (DPLU/Rural Fire Protection District)
5. Seven hydrants are required and shall be located as follows (or as redesigned and approved by the Rural Fire Protection District):
 - One hydrant shall be installed at each access to the hotel (primary, secondary);
 - One at the northwest corner of the hotel;
 - One at the entrance to the restaurant;
 - One at the entrance to the diesel fuel islands;
 - One where Airway Road terminates in a cul-de-sac;
 - One on the north side of the restaurant near the wash, lube and service bays.
6. Fire hydrants shall be of the James Jones type with two 2 ½ inch discharges and one 4 inch discharge, or as approved by the Rural Fire Protection District.
7. All access roads shall ~~have minimum width of 20 feet and be paved with asphaltic concrete~~ meet minimum current Fire Code requirements and be consistent with the approved Fire Protection Plan.
8. Where Airway Road terminates into a cul-de-sac it shall have minimum radius of 36 feet, or greater if required in the approved Fire Protection Plan.
9. All construction plans shall be approved by the Fire district.
- ~~10. Upon its formation, provide evidence of participation in the infrastructure Finance District for the East Otay Mesa Specific Plan Area.~~
- ~~11. File applications for installing underground gasoline storage tanks and related Air Pollution Control equipment with the Air Pollution Control District and the San Diego Health Department, Hazardous Material Division at least ninety (90) days prior to construction.~~

- ~~12. Submit and receive approval of plans/specifications for the proposed food service facilities from: Department of Environmental Health, Community Food and Housing Division, 1255 Imperial Avenue, 3rd floor, San Diego, CA 92101, Attn: Lonnie Lucas, Plan Check Section Supervisor, (619) 338-2089.~~
10. Demonstrate participation in a county approved mitigation bank within the County Multiple Species Conservation program (MSCP) Sub region for a total of 39.5 acres (credits) of Tier III habitat or MSCP equivalent.
11. Provide evidence to the satisfaction of the Director of Planning and Land Use that the MSCP Minor Amendment process has been completed.
- ~~15. Dedicate to the County of San Diego a Noise Protection Easement over Parcel 4 of Tentative Parcel Map 20414. This easement is for the protection of "noise sensitive" land uses (hotel, motel, etc.) from excessive noise and thus specifies that only Parcel 4 will be included within it. Any alteration or change in the proposed Parcel Map with regard to determine the nature of future impacts and possible alteration of the easement specifications (inclusion of other parcels...). The Noise Protection Easement shall be shown on the Parcel Map. "Noise Sensitive" uses within the Noise Protection Easement can be allowed under the following conditions:~~
- ~~a. Provide, to the satisfaction of the Director of Planning and Land Use, an exterior and interior noise analysis along with the applicable fees for "noise sensitive" land uses (hotel, motel, etc) located within the Noise Protection Easement. The noise analysis must assess existing and future exterior noise levels for the "noise sensitive" use and should identify sound transmission loss requirements for building elements exposed to exterior noise levels exceeding CNEL=60 decibels (dB). If interior CNEL=45 dB limit can only be achieved with the windows closed, mechanical ventilation that meets applicable Uniform Building Codes standards shall be provided. The exterior noise assessment used to justify the present noise protection easement may be substituted for exterior conditions provided that no outdoor "noise sensitive" areas are included in the building plans of the proposed project. However, any substantial changes to the currently proposed project would require a complete exterior noise analysis in addition to the already required interior analysis that follows form a noise protection easement.~~
 - ~~b. Demonstrate compliance with the applicable property line noise standards of the San Diego County Noise Ordinance for fixed noise and transportation sources within the project area. If compliance with these standards are not deemed feasible, the project applicant must apply for a noise variance and have it granted prior to the issuance of~~

~~occupancy permits. The Variance proves may require additional noise mitigation measures/conditions to bring the proposed project into compliance. The rezoning of the area may obviate the need for a noise variance but it will be required in the interim period before any resolution of zoning questions. If the project site already has documented high ambient noise levels prior to occupancy, the threshold as defined in the county Ordinance (for example, 50/45 for S88) may be exceeded. In this case, the documented ambient level would then become allowable one hour average sound level to be applied at the project's property line. On-site noise sources should not be in operation prior to a determination of the ambient noise level. A site study used for cataloging these on-site sources and making recommendations would provide a basis for compliance to obtain a noise variance.~~

12. Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County approved acoustical engineer, demonstrating that the present and anticipated future noise levels for the interior and exterior of the "noise sensitive" land uses (hotel, motel etc.) will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dB CNEL)]. Future traffic noise level estimates for Airway Road shall use a traffic flow equivalent to a Level of Service "C" traffic flow for a Major road that is the designated General Plan Circulation Element buildout roadway classification.
13. Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans.
- 46.14. Demonstrate that the Otay Water District's requirements for reclaimed water service have been satisfied.
- 47.15. A registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that: "physically, there is a ~~minimum of five hundred fifty feet (550')~~ of adequate unobstructed sight distance in both directions based on the ultimate design speed for a Major Road from Enrico Fermi Drive and the proposed project entrances along Airway Road, per the Design Standards of Section 3.2G of the County of San Diego Public Road Standards (approved June 30, 1999)." The vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

48. 16. Dedicate the right-of-way required to complete a ~~sixty-six foot (66')~~ forty nine foot (49') wide, one-half right-of-way width on each side of the ultimate centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the ~~sixty-six foot (66')~~ forty nine foot (49') limit of that portion within the land division for Otay mesa Road (SC 1120) in accordance with Public Road Standards for a ~~Prime Arterial Road~~ 4-lane Major Road plus a bike lane, including a thirty foot (30') radius property line corner rounding at the street intersection. ~~If the Board of Supervisors approves a parking prohibition, the dedication width shall be reduced five feet (5'). The developer may request that the board of Supervisors approves a parking prohibition to accommodate the bike lane. Applications of said parking prohibition shall be made to the Traffic Advisory Committee (TAC).~~
49. 17. Any offer of dedication or grant of right-of-way shall be free of all encumbrances or subordinated.
- ~~20. The subdivider shall relinquish access rights into Enrico Fermi Drive and Airway Road and Otay Mesa Road, except for one main project entrance on Airway Road, located eight hundred feet (800') east of Enrico Fermi Drive, and one entrance on Airway Road located adjacent to the easterly project boundary. Both entrances shall be signed right in, right out only. All of the foregoing shall be to the satisfaction of the Director of Public Works.~~
18. Relinquish access rights into Otay Mesa Road (SC 1120) along the project frontage except for a maximum of three approved commercial driveways.
19. Relinquish access rights into Enrico Fermi Drive (SA 1105) along the project frontage except for a maximum of four approved commercial driveways. The commercial driveway's centerlines shall be separated by at least three hundred feet from each other and from the intersection of Otay Mesa Road and from Airway Road.
20. Relinquish access rights into Airway Road (SC 2300) along the project frontage except for a maximum of two approved commercial driveways. The commercial driveway's centerlines shall be separated by at least three hundred feet from each other and from the intersection of Enrico Fermi Drive.
- 21 Dedicate the right-of-way required to complete a forty-nine foot (49') wide, one-half right-of-way width ~~on each side of~~ on the project side from the ultimate centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the forty-nine foot (49') limit for that portion within the land division for Enrico Fermi Drive (SA 1105) in accordance with Public Road Standards for a Major Road plus a bike lane,

including a thirty foot (30') radius property line corner rounding at the street intersection. ~~The Parcel Map shall be prepared to show the offer being accepted.~~

22. Dedicate the right-of-way required to complete fifty-four foot (54') forty-nine foot (49') wide, one-half right-of-way width on each side of the ultimate centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the ~~fifty-four foot (54')~~ forty-nine foot (49') limit for that portion within the land division for Airway Road (SC2300) in accordance with Public Road Standards for a ~~4-lane~~ Major Road, plus a bike lane, including a thirty foot (30') radius property line corner rounding at the street intersection. ~~The Parcel Map shall be prepared to show the offer being accepted. If the Board of Supervisors approves a parking prohibition, the dedication width shall be reduced five feet (5').~~ The developer may request that the Board of Supervisors approve a parking prohibition to accommodate the bike lane. Applications for said parking prohibition shall be made to the Traffic Advisory Committee (TAC).
23. ~~Dedicate on-site the~~ Obtain temporary right-of-way from adjacent property owners required to complete a temporary cul-de-sac, plus the right to construct and maintain slopes and drainage improvements as required beyond the limits of the cul-de-sac. The cul-de-sac shall be located at the east end of Airway Road to the satisfaction of the San Diego Rural Fire Protection District and the Director of Public Works.
24. ~~Cause to be granted an irrevocable offer to dedicate real property for public highway to a one-half right-of-way width of thirty-six feet (36') plus slope rights and drainage easements along the easterly boundary of the project. Include thirty foot (30') radius property line corner rounding at road intersections.~~
- 25.24 Comply with the East Otay Mesa Sewer maintenance District requirements to the satisfaction of the Director of Public Works.
- 26.25 The subdivider shall comply with Section 66436 of the Government Code by furnishing to the county of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature. (DPW)
- 27.26 Contribute \$640.00 to the San Diego County Flood Control District Zone 7 (2D), as his/her share of future area flood control/drainage improvements per Ordinance No. 5856 (N.S.). This project is in a zone/area that has a valid Reimbursement Agreement for flood control fees; therefore per

Section 810.209 of the Drainage Fee Ordinance, the above fees shall be paid prior to the issuance of a building permit and cannot be deferred by a secured agreement.

The Planning Commission hereby determines that:

- i. The fee is to assist in financing the construction of the planned local drainage (PDL) facilities for Zone 4, Local Drainage Area 2D.
- ii. The fee will be used to contribute toward the construction of drainage facilities such as: reinforced concrete pipe culverts, corrugated metal pipe culverts, concrete-lined trapezoidal channels, rock-lined channels, reinforced box culverts, concrete dip sections, energy dissipaters, rip-rap slope protection, etc., planned for Zone 4, Local Drainage Area 2D, specified in the Drainage Fee Ordinance No. 5856 (N.S.) on file with the County of San Diego, Department of Public Works.
- iii. The Board of Supervisors has determined that facilities for the removal of surface and storm waters from local or neighborhood drainage areas within Zone 4, Local Drainage Area 2D, need to be constructed as ~~subdivision of land and other development occurs such as that proposed by TPM 20414,~~ to protect and benefit all property in the area;

To provide adequate flood protection for future occupants of this residential development, it is necessary to construct the planned drainage facilities to remove surface and storm waters from local or neighborhood drainage areas; and

The fees established for Zone 4, Local Drainage Area 2D, are based on estimated costs of the planned drainage facilities which are apportioned within the drainage area on the basis of benefit conferred on the property.

- 28.27 Contribute \$1060.00 to the San Diego County Flood Control District Zone 4 (3E), as his/her share of future area flood control/drainage improvements per Ordinance No. 5856 (N.S.). This project is in a zone/area that has a valid Reimbursement Agreement for flood control fees; therefore per Section 810.209 of the Drainage Fee Ordinance, the above fees shall be paid prior to issuance of a building permit and cannot be deferred by a secured agreement.

The Planning Commission hereby determines that:

- a. The fee is to assist in financing the construction of the planned local drainage (PDL) facilities for Zone 4, Local Drainage Area 3E.
- b. The fee will be used to contribute toward the construction of drainage facilities such as: reinforced concrete pipe culverts, corrugated metal pipe culverts, concrete-lined trapezoidal channels, rock-lined channels, reinforced box culverts, concrete dip sections, energy dissipaters, rip-rap slope protection, etc., planned for Zone 4, Local Drainage Area 3E, specified in the Drainage Fee Ordinance No. 5856 (N.S.) on file with the County of San Diego, Department of Public Works.
- c. The board of Supervisors has determined that facilities for the removal of surface and storm waters from local or neighborhood drainage areas within Zone 4, Local Drainage Area 3E, need to be constructed as ~~subdivision of land and other development occurs such as that proposed by 20414,~~ to protect and benefit all property in the area;
- d. To provide adequate flood protection for future occupants of this residential development, it is necessary to construct the planned drainage facilities to remove surface and storm waters from local or neighborhood drainage areas; and
- e. The fees established for Zone 4, Local Drainage Area 2D, are based on estimated costs of the planned drainage facilities which are apportioned within the drainage area on the basis of benefit conferred on the property.

28. Furnish the Director of Planning and Land Use a letter from the Director of the Department of Public works stating Conditions B 18 through 27 have been complied with to that Department's satisfaction.

C. Prior to any occupancy or use of the premises pursuant to this Major Use Permit Modification, the applicant shall:

1. Improve all parking areas and driveways shown on the approved plot plan with a minimum of one and one-half inches of road oil mix, two inches of

asphaltic concrete, or five inches of Portland cement concrete or 6" DG Base, all over approved base and delineate parking spaces.

2. Finished grading shall be certified by a registered civil engineer and inspected by the Director of Public Works for drainage clearance. Approval of the rough grading does not certify finished grading because of potential surface drainage problems that may be created by landscaping accomplished after rough grading certification. If a grading permit is not required for the project, a registered civil engineer's certification for the drainage clearance shall still be required.
3. Adequacy of the road structural section and surface drainage shall be certified by a registered civil engineer and approved by the Director of Public Works.
4. Property owners shall agree to preserve and save harmless the County of San Diego and each officer and employee thereof from any liability or responsibility for any accident, loss, or damage to persons or property happening or occurring as the proximate result of any of the work undertaken to complete this work, and that all of said liabilities are hereby assumed by the property owner.
5. Submit to the Director of Planning and Land Use a statement from the project California licensed landscape architect that all landscaping has been installed as shown on the approved landscape planting and irrigation plans.
6. Enrico Fermi Drive (SA 1105) ~~shall be~~ is improved in accordance with Public Road Standards for a Major Road to a one-half graded width of forty-nine feet (49') with concrete curb, gutter, sidewalks, and asphaltic concrete pavement over approved base. Face of curb ~~will~~ shall be thirty-nine feet (39') from centerline. ~~Construct an asphaltic dike adjacent to the centerline. Construct a left turn lane for left turning movements from Enrico Fermi Drive to Otay Mesa Road. Construct a left turn lane for left turning movements from Enrico Fermi Drive to Airway Road. Provide appropriate transitions/tapers and traffic striping. All of the foregoing shall be to the satisfaction of the Director of Public Works.~~
7. Airway Road (SC 2300) ~~shall be~~ is improved in accordance with Public Road Standards for a Major Road plus a bike lane to a one-half graded width of ~~fifty-four (54')~~ forty-nine (49') with concrete curb, gutter, sidewalks, asphaltic concrete pavement over approved base. Face of curb ~~will~~ shall be thirty-nine (39') feet ~~forty-four feet (44')~~ from centerline. Construct the project's one-half of a fourteen foot (14') wide raised median with the concrete curbs and gutters at seven feet (7') from centerline. The median shall be capped with two inches (2") asphaltic concrete. Construct a left-turn lane for left turning movements northbound and southbound

from Airway Road to Enrico Fermi Drive. Provide appropriate transitions/tapers and traffic striping. ~~If the Board of Supervisors approves a parking prohibition, the improvement width shall be reduced five feet (5').~~ All of the foregoing shall be to the satisfaction of the Director of Public Works.

8. Otay Mesa Road (SC 1120) ~~shall be~~ is improved in accordance with Public Road Standards for a Major Road plus a bike lane to a one-half graded width of ~~fifty-four (54')~~ forty-nine (49') with concrete curb, gutter, sidewalks, asphalt concrete pavement over approved base. Face of curb ~~will shall be forty-four feet (44')~~ thirty-nine feet (39') from centerline. Construct the project's one-half of a fourteen foot (14') wide raised median with the concrete curbs and gutters at seven feet (7') from centerline. The median shall be capped with two inches (2") asphalt concrete. Construct a left-turn lane for left turning movements southbound from Otay Mesa Road to Enrico Fermi Drive. Provide appropriate transitions/tapers and traffic striping. ~~If the Board of Supervisors approves a parking prohibition, the improvement width shall be reduced to 5 feet (5').~~ All of the foregoing shall be to the satisfaction of the Director of Public Works.
9. The temporary cul-de-sac at the east end of Airway Road shall be improved and graded with asphaltic concrete graded walkway/asphaltic concrete dike, and asphaltic concrete pavement over approved base. All of the foregoing shall be to the satisfaction for the Director of Public Works and the San Diego Rural Fire Protection District.
- ~~10. Construct a westbound right turn lane for the Airway Road/Otay Mesa Road (SR 905) intersection to the satisfaction of CalTrans, the City of San Diego and the Director of Public Works.~~
- ~~11. Widen and/or restripe Airway Road from Sanyo Avenue to Otay Mesa Road (SR 905) to provide for two westbound lanes and one eastbound lane to the satisfaction of CalTrans, the City of San Diego and the Director of Public Works.~~
- ~~12.~~ 10. The subdivider shall authorize special districts to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District to maintain existing street lights.
- ~~13.~~ 11. All new and existing utility distribution facilities, including cable television line, shall be placed underground. All utility installations shall be completed before surfacing the streets and installing concrete curbs, gutters, and sidewalks.

- ~~44.~~ 12. Portland cement concrete cross gutters shall be constructed where water crosses the roadways.
- ~~45.~~ 13. The exact depth of improved base material shall be based on soil tests approved by the county of San Diego, Director of Public Works.
- ~~46.~~ 14. Install all street name signs.
- ~~47.~~ 15. Construct a public street lighting system to the satisfaction of the County of San Diego, Director of Public Works. Contact Special District Services (571-4258) for details.
- ~~48.~~ 16. A construction permit shall be obtained for the work within the right-of-way.
- ~~49.~~ 17. Plans for public road improvements shall be prepared by a registered civil engineer and submitted to the County of San Diego, Director of Public Works. The following items shall also apply:
 - a. Street alignment and grade, including the change of any existing or proposed street alignment and grade, shall be as required by the County of San Diego, Director of Public Works.
 - b. Sight distance at all intersections shall conform to the intersectional sight distance criteria as provided by the County of San Diego Public Road Standards.
 - c. Plans and specifications for the improvement of all streets, rights-of-way, drainage easements and all culverts, drainage channels and all private easements shall meet with the approval of the County of San Diego, Director of Public Works.
- ~~20.~~ 18. If height of fill bank for a 2:1 slope is greater than twelve feet (12') or if height of fill bank for a 1.5:1 slope is greater than ten feet (10'), guardrail shall be installed per CalTrans standards to the satisfaction of the Director of Public Works.
19. The permittee shall pay the Major Use Permit Compliance Inspection Fee as specified in the DPLU Fee Ordinance at Section 362 of the San Diego County Administrative Code. The fee shall be paid at the DPLU Zoning Counter. The permittee shall also schedule an appointment for an initial inspection with the County Permit Compliance Coordinator to review the on-going conditions associated with this permit. The inspection should be scheduled for a date approximately six months subsequent to establishing occupancy or use of the premises.

20. Furnish the Director of Planning and Land Use a letter from the Director of the Department of Public works stating Conditions C.1 through 17 have been complied with to that Department's satisfaction.

~~Upon certification by the Director of Planning and Land Use for occupancy or establishment of use allowed by this Major Use Permit Modification, the following conditions shall apply:~~

D. The following shall apply for the duration of this Major Use Permit:

1. "State Route 11 is being proposed to lie within this project. The final location and width of the right-of-way and the appurtenant slopes and drainage improvements is not known. No building permit actions for any permanent structures will be allowed within the State Route 11 right-of-way as shown on the Caltrans exhibit attachment labeled SR-11, in the lower right corner, to the June 15, 2006 Caltrans letter to the County of San Diego". Building permit actions shall be allowed only for temporary structures (i.e. 8'-0" high fence footings, ADA ramp and stairs, office trailers or any other temporary structure). At the time of the final determination of the freeway's alignment and prior to construction of SR-11, any encroaching facilities shall be removed at the sole cost of the applicant.
2. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9589) and all other applicable ordinances and standards. This includes requirements for Low Impact Development (LID), materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.
- ~~D.~~ 3. All light fixtures shall be designed and adjusted to reflect light downward, away from any road or street, and away from adjoining premises, and shall otherwise conform to Section 6324 of the Zoning Ordinance.
- ~~E.~~ 4. No loudspeaker or sound amplification system shall be used to produce sounds in violation of the County Noise Ordinance.
- ~~F.~~ 5. The parking areas and driveways shall be well maintained at all times. Any malfunctioning irrigation systems shall be promptly replaced. The plants shall be trimmed to maintain consistency with the approved

landscape plan. Any dead plants shall be replaced with those that are consistent with the approved landscape plan.

- ~~G.~~ 6. All landscaping shall be adequately watered and well maintained at all times. Any malfunctioning irrigation systems shall be promptly replaced. The plants shall be trimmed to maintain consistency with the approved landscape plan. Any dead plants shall be replaced with those that are consistent with the approved landscape plan.
- H. 7. The water supply for all uses and activities conducted within the premises shall be imported to the site by the Otay Water District. Use of any other water source (including groundwater) is prohibited. Modification of this use permit to delete or modify this requirement so as to permit the use of groundwater shall be reviewed by the County Groundwater Geologist.
8. Property owners shall agree to preserve and save harmless the County of San Diego and each officer and employee thereof from any liability or responsibility for any accident, loss, or damage to persons or property happening or occurring as the proximate result of any of the work undertaken to complete this work, and that all of said liabilities are hereby assumed by the property owner.
9. The project shall conform to the approved plot plan(s). Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703.
- ~~I. This Major Use Permit shall expire on June 9, 2005 at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of the Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Major Use Permit has commenced prior to said expiration date. (Recordation of a Parcel Map pursuant to TPM 20414RPL² and completion of [or entry into agreements to construct where permitted] all required improvements shall be deemed to establish such construction and/or use in reliance. If a moratorium is imposed pursuant to Section 66452.6(b) of the Subdivision Map Act which precludes recordation of TPM 20414RPL², this permit shall expire on the same date as TPM 20414RPL² unless a time extension is granted to said Tentative Map.)~~
- ~~The Van /Trailer Storage area has been approved as an Interim Use. If use in reliance on this permit has commenced prior to the expiration date indicated above, then the portion of the permit that allows this Interim Use will expire on June 9, 2005, unless an application for a Major Use Permit Modification requesting an additional five year interim use period is filed prior to June 9, 2005.~~

- I. 10 This Major Use Permit Modification shall expire on ~~June 9, 2005~~ June 13, 2013 at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of the Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Major Use Permit Modification has commenced prior to said expiration date.

The Van/Truck/Container/Trailer Park and Storage area has been approved as an Interim Use. If use in reliance on this permit has commenced prior to the expiration date indicated above, then the portion of the permit that allows this Interim Use Modification will expire on ~~June 9, 2005~~ June 13, 2013, unless an application for a Major Use Permit Modification requesting an additional five year interim use period is filed prior to ~~June 9, 2005~~ June 13, 2013.

The following shall be the Mitigation Monitoring or Report Program for "The Travel Plaza", P98-024.

Public Resources Code Section 21081.6 requires the County to adopt a Mitigation Reporting or Monitoring Program for any project that is approved on the basis of a mitigated Negative Declaration or an Environmental Impact Report (EIR) for which findings are required under Section 21081 (a)(1). The program must be adopted for the changes to a project which the County has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment. The program must be designed to ensure compliance during project implementation.

The Mitigation Monitoring Program is comprised of all the environmental mitigation measures adopted for the project. The full requirements of the program (such as what is being monitored, method and frequency, who is responsible, and required time frames) are found within the individual project conditions. These conditions are referenced below by category under the mechanism which will be used to ensure compliance during project implementation.

A. Enforcement

Compliance with the following conditions is assured because complaints of non-compliance may be provided by the public to the County which may then investigate the status of compliance and pursue enforcement:

B.12 & B.13

B. Ongoing Mitigation

Compliance with the following conditions is assured because County staff will monitor the on-going requirements and, if necessary, pursue the remedies specified in the project permit, the security agreement, or the mitigation monitoring agreement:

A.3, D.2, D.6,

Pursuant to Section 7358 (see Section 7359 for findings required for permits filed pursuant to Regional Land Use Element 3.8) of The Zoning Ordinance, the following findings in support of the granting of the Major Use Permit are made:

- (a) The location, size design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures with consideration given to

1. Harmony in scale, bulk, coverage, and density

The facts supporting Finding a-1 are as follows:

Scale generally relates to structural height. Existing development in the area is located within the City of San Diego. It consists of industrial/business park types of uses. The height of buildings is generally about 30 feet. This project proposes a three-story hotel that is about 30-feet with architectural features that are as high as 43 feet. The service bays and the fuel island canopies will be about 23 feet. The office building would be about 20 feet. The proposed project height would not be out of character with the existing industrial development because only one of the buildings exceeds 30 feet and it does so only to add architectural interest to the building profile. The other buildings proposed for the site are significantly below 30 feet. The proposed project height is well below the 60 feet allowed by the zoning.

Coverage refers to the amount of lot area that is covered by buildings. This element is addressed in the zoning for the project which sets forth a Coverage Designator of ".40". This means that 40 percent of the site is allowed to be covered with buildings. This coverage factor is typical for industrial/business park type development. However, the proposed project is primarily a service commercial use catering to truckers. It includes a large area for truck parking that is not considered coverage. As a result, the structural coverage is about 5 percent which is considerably less than exhibited by the existing development within the vicinity.

Bulk factor that combines the elements of height and coverage. It has already been established above that the average height of the proposed structures would be less than the 30 feet typically exhibited by the other development in the vicinity. The structural coverage is well below what is allowed by the zoning which is typical for the industrial/business park type of development located in the vicinity. The three main structures proposed for the site are separated by a minimum of 130 feet, thus breaking up any potential structural massing. Finally, there are features built into the architecture such as variable roof lines for the hotel and the Plaza Building

that help alleviate potential impacts from bulk. No residential use is proposed, thus density is not a factor.

2. The availability of public facilities, services, and utilities

The facts supporting Finding (a-2) are as follows:

The project is located within the San Diego Rural fire Protection District and it is eligible for serviced. Based on the capacity and capability of the District's existing and planned facilities, fire protection facilities are currently adequate or will be adequate to serve the proposed project. The primary fire station that will serve this project is located at the Donovan State Prison. Emergency travel time to the project site is five minutes. The District has indicated a number of requirements that include the number and location of fire hydrants and these have been made conditions of project approval.

The project is located within the East Otay Mesa Sewer Maintenance District. Facilities to serve the project are reasonably expected to be available within the next five years based on the capital facility plans of the district.

The project will receive water service from the Otay Water District. Facilities to serve the project are reasonably expected to be available within the next five years based on the capital facility plans of the district. In a letter dated August 2, 1999, the District indicated that the applicant must install a "Reclaim" pipeline that will front the project in an east-west direction. In addition, the irrigation system for this project must be designed to the District's reclaimed standards. Recycled water irrigation plans must be approved by the District and the Department of Environmental Health.

3. The harmful effect, in any, upon desirable neighborhood character

The facts supporting Finding (a-3) are as follows:

The project site is located within the East Otay Mesa Specific Plan. There is no development currently existing within the specific plan, however, Site Planning and Design Guidelines have been adopted and all future development will be required to conform to the criteria set forth in those guidelines. There is some existing industrial/business park development located to the southwest of the project site within the City of San Diego that has been developed with attention given to architecture style and landscaping. If new development is designed to conform to the Guidelines it will be compatible with the character of the existing development within the City of San Diego. The project has been reviewed for consistency with the Guidelines and the project as illustrated on the existing plot plan conforms to most of the Guidelines, however, some aspects of the proposed design will need to be changed. This requires project approval to be conditioned on the approval of a revise plot plan that would correct the unconfirming elements

noted during the review generally, the elements that will be required to be changed on the Revise Plot Plan involve:

- Project Site Access,
- Landscape screening for the truck parking area and the Van/Trailer/Container Storage Area,
- A lighting program that conforms to the Light Pollution Dark Sky Ordinance, and
- A signage program that is consistent with the Guidelines.

The revised plot plan is required to be submitted for review by the director of Planning and Land Use. The review will involve a determination that the revised plot plan has made the corrections required as a condition of approval of this permit.

Site access is proposed to be taken from the Enrico Fermi Road and Airway Road which are both major roads. Controlled intersections are the only access points to roadways classified in the Circulation Element as prime arterials and major roads. No curb cuts off prime arterials and major roads are permitted. The plot plan indicates that there are four curb cuts proposed along Airway Road and one along Enrico Fermi Road. The applicant has proposed an alternative plan for access (see attachment A) that will provide one main entrance off of Airway Road and another near the intersection of the easterly project boundary and Airway Road. This revised access is consistent with the Guidelines and the Specific Plan Circulation Element. The Fire District has given tentative approval subject to their review of the revised plan.

Landscape screening for the truck parking area and the Van/Trailer Storage Area is essential to be consistent with Guidelines. In particular, the Van/Trailer Storage Area will be approved as an Interim Use because it is located within the future right-of-way for SR11. This storage area will have a 10 foot high chain link fence with a 24 inch barbed wire topper. This would not be consistent with the Guidelines, thus extra landscaping measures are required as a condition of approval in order to screen this necessary security fencing from public view.

The project originally proposed 50 foot high light standards with three metal Halide 1,000 watt lamps. All lighting shown on the revised plot plan will be reviewed for compliance with the Light Pollution Control Dark Sky Ordinance.

The project originally proposed 65 foot high sign that would be brightly lit in order to attract customers from the main access to the international border which is located about one-half mile away. As proposed the project would not be consistent with the Guidelines and would be out of character with the type

of development anticipated for the area. The revised plot will be required to show a signage program that does not deviate from the Guidelines.

Other changes required to be made to the plot plan include:

- No manufactured slopes are allowed to be greater than 15 feet in vertical height and the The slope ratio shall be no more than 3:1 2:1.
 - Landscaping shall be proposed for the interior of the truck parking area.
 - Landscaping shall be provided adjacent to structures as shown in Figure 11 on Page 13 of the Guidelines.
4. The generation of traffic and the capacity and physical character of surrounding streets

The facts supporting Fining (a-4) are as follows:

According to the San Diego Association of Governments (SANDAG) traffic rates the project would generate approximately 5,100 Average Daily Trips (ADT). This results in a significant increase to the existing traffic on Airway Road an Enrico Fermi Drive and Otay Mesa Road. The current traffic volumes on the existing surrounding roadways are as follows:

- 500 ADT on Airway Road between Paseo de las Americas and Enrico Fermi Drive.
- 500 ADT on Enrico Fermi Drive between airway Road and Siempre Viva Road.
- 4000 ADT on Otay Mesa Road between SR 905 and Alta Road.

The East Otay Mesa Specific Plan EIR requires that all projects conduct traffic studies and mitigate their off-site traffic impacts. A traffic study was completed to identify traffic impacts and provide traffic mitigation for the identified impacts.

The traffic study, Traffic Study for "Travel Plaza" Truck Stop project (TPM 20414, MUP 98-024) in the County of San Diego, prepared by Darnell & Associates, dated February, 2000, identified the following impacts and mitigation agreed to by the applicant:

- Significant and direct impact on Airway Road between Otay Mesa Road (SR905) and Sanyo Avenue, lowering the Level of Service from LOS E to LOS F. Mitigation entails restriping to create a three lane travelway with a continuous left turn lane, increasing the Level of Service to LOS D.
- Cumulative impact on Otay Mesa Road (SR 905) between heritage Road and Old Otay Mesa Road, reducing Level of Service from LOS E to LOS F. The contribution of this project to the impact is 2 percent and is therefore less than significant and requires no mitigation form this project.

- Significant and direct impact at the intersection of Otay mesa Road (SR 905) and Airway Road, lowering Level of Service of several critical turning movements from LOS E to LOS F. Mitigation consists on the creation of a westbound right turn lane on Airway Road, which will raise the Level of Service to LOS C.
 - Cumulative impacts to the intersections at Otay Mesa Road (SR 905) and Heritage Road, Cactus Road, and La Media Road, lowering level of Service to LOS F at peak hours. All intersections are located in the City of San Diego. However, the increased delay at these ailing intersections is only 1.9 seconds, which is less than the allowable 2 second delay according to the City of San Diego Impact Measures. Therefore, no mitigation is required.
5. The suitability of the site for the type and intensity of use or development which is proposed.

The facts supporting Finding (a-5) are as follows:

The site is gently sloping from north to south. Existing vegetation consists of on-native grassland. The proximity of the site to the international border and the industrial/business park uses that are existing and planned in the vicinity should complement the proposed travel plaza. Plenty of parking is provided for both trucks and passenger cars. Primary access will be taken off of Enrico Airway Road via controlled intersection as required by the Site Planning and Design Guidelines. A second access will be provided at the intersection of the easterly property line and Airway Road and the distance between all proposed intersections is consistent with the Specific Plan requirements and the public road standards. No access is allowed off of Enrico Fermi road because, at this time, there are plans to extend SR 11 at least to Enrico Fermi Road and the Specific Plan requires, in such an event, that Enrico Fermi Road be reclassified from a major road to a prime arterial. The Site Planning and Design guidelines permit access to a prime arterial or a major road only through a controlled intersection. There would not be enough distance (per the Public road Standards) between the intersection of Enrico Fermi Road and Airway Road and the off-ramp of SR 11 onto Enrico Fermi Road to provide another controlled access intersection. It is not necessary for this project to have access directly onto Enrico Fermi Road for it to be successful.

As originally proposed the project would require grading that would be inconsistent with the Site Planning and Design Guidelines. A revised plot plan is required as a condition of project approval and the redesigned project must conform to the following grading criteria from the Guidelines:

- Vertical height of slopes shall not exceed 15 feet.
- Slope ratios shall not exceed 3:1.

6. Any other relevant impact of the proposed use

No other relevant impacts have been identified.

- (b) The impacts, as described in Finding (a) above, and the location of the proposed use will be consistent with the San Diego County General Plan. The facts supporting finding (b) are as follows:

The project site is located within the (21) Specific Plan Area (0.0) Land Use Designation of the Otay Subregional Plan. This is East Otay Mesa Specific Plan Area. The East Otay Mesa Planning Area is located immediately adjacent to the U.S./Mexican border. It is comprised of approximately 3,300 acres. The combined City and County Otay Mesa area is anticipated to become an international industrial business district with over 6,700 acres of industrial and commercial planned land use. The Specific Plan Area will be served by freeway State Route SR 905 and SR 125 in addition to an on-site network of arterials and local roads. With the growth of the Mexican Government's Maquiladora or Twin Plant Program in the early 1980's, there began to be a demand for industrial land in the United States near the border to accommodate distribution and warehousing products manufactured in Mexico. The opening of the Otay Mesa commercial border crossing or port of entry in the mid-1980's, along with improvements to Otay Mesa Road and interim SR 905 freeway, enhanced the opportunities for the successful development of distribution and warehouse type uses. In recognition of this demand for industrial use the County amended its General Plan in 1983 to designate the East Otay Mesa Area for general industrial and commercial uses. This project is consistent with the concept of accommodating a large volume of transborder industrial commerce because the primary means of transporting the products across the border will be by truck. This project site will be located within the industrial area northeast of the Otay border crossing. There is likely to be a very high demand for the services that the Travel Plaza proposes.

This project is subject to the East Otay Mesa Specific Plan. The project site is located within the S88/EOM-1 Mixed Industrial Use District. This District is intended to accommodate industrial plants that primarily engage in the manufacturing, compounding, processing, assembling, packaging, treatment, warehousing, or fabrication of materials or products. Some of the proposed uses are permitted "by right", some require the approval of a Major Use Permit and some are permitted on a limited basis because they are considered "support commercial" use types.

This project is permitted on this site based upon an interpretation of the following language from the introduction to Section 3.2 of the Specific Plan text which addresses Land Regulations:

“The uses listed herein are specifically allowed. However, other uses unforeseen at the time of Specific Plan Adoption are allowed by Major Use Permit”

The proposed project includes a wide range of uses specifically designed to accommodate the existing and future truck traffic servicing the industrial areas within Otay Mesa. The project site is strategically located to take advantage of existing travel routes between the United States and Mexico. The volume of truck traffic and the international element makes the proposed use different from what is commonly considered to be a “truck stop”. The type of land combination of proposed uses constitute a unique “Travel Plaza” use type. For this reason the project should be permitted upon approval of a Major Use Permit as provided for by the Specific Plan passage cite above.

- (c) That the requirements of the California Environmental Quality Act have been complied with.

The facts supporting Finding (c) are as follows:

Based on an Initial Study prepared by the Department of Planning and Land Use it is found that there are no new significant environmental effects and no substantial increase in severity of effects identified in an earlier EIR for the proposed project are present as the result of either 1) changes in the project, 2) changes in circumstances under which the project is undertaken; or 3) new information which could not have been known without the exercise of reasonable diligence at the time the previous EIR was adopted. Therefore, the previously adopted EIR is considered adequate upon completion of an addendum to reflect minor technical changes.

MAJOR USE PERMIT MODIFICATION (P98-024W1) FINDINGS:

Pursuant to Section 7358 (see Section 7359 for findings required for permits filed pursuant to Regional Land Use Element 3.8) of The Zoning Ordinance, the following findings in support of the granting of the Major Use Permit Modification are made:

- (a) The location, size design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures with consideration given to

1. Harmony in scale, bulk, coverage, and density

Scale generally relates to structural height and building size. The majority of the existing development in the area is located within the City of San Diego. It consists of industrial/business park types of uses. The height of buildings is generally about 30 feet. The proposed Major Use Permit Modification does not propose any additional building development and will, therefore, not affect the scale of the project.

Coverage refers to the amount of lot area that is covered by buildings. The structural coverage of the approved use is about 5 percent, which is considerably less than exhibited by the existing development within the vicinity. The proposed Major Use Permit Modification will not change the coverage on the property.

Bulk combines the elements of height and coverage. Since the proposed Major Use Permit Modification does not change the height factor or the coverage factor of the project, it does not affect the bulk.

No residential use is proposed, thus density is not a factor.

2. The availability of public facilities, services, and utilities

The project is located within the San Diego Rural Fire Protection District. Based on the capacity and capability of the District's existing and planned facilities, fire protection facilities are currently adequate or will be adequate to serve the proposed project. The primary fire station that will serve this project is located at the Donovan State Prison. Emergency travel time to the project site is five minutes. The District has indicated a number of requirements that include the number and location of fire hydrants and these have been made conditions of project approval.

The project is located within the East Otay Mesa Sewer Maintenance District. Facilities to serve the project have been made available to the project.

The project will receive water service from the Otay Water District. Facilities to serve the project are reasonably expected to be available within the next five years based on the capital facility plans of the district.

3. The harmful effect, in any, upon desirable neighborhood character

The Major Use Permit Modification conforms to the East Otay Mesa Specific Plan and its planning and design guidelines. Any proposed development in the area will be required to conform to the criteria set forth in the Specific Plan. There is some existing industrial/business park development located to the southwest of the project site within the City of San Diego that has been developed with attention given to architecture style and landscaping. New development will be required to conform to the Guidelines and will be compatible with the character of the existing development within the City of San Diego.

4. The generation of traffic and the capacity and physical character of surrounding streets

The Major Use Permit Modification, according to the Traffic Impacts Study completed by Darnell and Associates dated March 20, 2007, will generate 37 fewer daily trips than the approved Major Use Permit.

5. The suitability of the site for the type and intensity of use or development which is proposed.

The site has been completely graded and is prepared for development. Any biological resources that were on the site have been mitigated for and a Minor Amendment to the County's MSCP has been completed. The proximity of the site to the international border and the existing and planned industrial/business park uses in the vicinity should complement the proposed use. Plenty of parking is provided for both trucks and passenger cars.

6. Any other relevant impact of the proposed use

No other relevant impacts have been identified.

- (b). The impacts, as described in Finding (a) above, and the location of the proposed use will be consistent with the San Diego County General Plan.

The Major Use Permit Modification conforms to the East Otay Mesa Specific Plan. The East Otay Mesa Specific Plan is part of the Otay Subregional Plan which is part of the County's General Plan.

- (d) That the requirements of the California Environmental Quality Act have been complied with.

The facts supporting Finding (c) are as follows:

It is found that there are no new significant environmental effects and no substantial increase in severity of effects identified in an earlier EIR for the proposed project are present as the result of 1) changes in the project, 2) changes in circumstances under which the project is undertaken; or 3) new information which could not have been known without the exercise of reasonable diligence at the time the previous EIR was adopted. Therefore, the previously adopted EIR is considered adequate upon completion of an addendum.

NOTICES:

NOTICE: The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on June 13, 2008.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR

POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

NOTICE: Fish and Game Fees have been paid in the amount of \$2,606.75 for the review of the EIR, Receipt number 88522 and 36709, dated June 2, 2000 and May 27, 2008 respectively.

NOTICE: The project will be required to pay the Department of Planning and Land Use Mitigation Monitoring and Condition Review Fee. The fee will be collected at the time of the first submittal for Condition Satisfaction to DPLU, including Mitigation Monitoring requests. The amount of the fee will be determined by the current Fee Ordinance requirement at the time of the first submittal and is based on the number of DPLU conditions that need to be satisfied. The fee amount will only be paid one time for those conditions that are indicated with the [DPLU, FEE] designator. The fee will not apply to subsequent project approvals that require a separate submittal fee such as, Revegetation and Landscape Plans, Resource (Habitat) Management Plans, Habitat Loss Permits, Administrative Permits, Site Plans, and any other discretionary permit applications.

NOTICE: Low Impact Development (LID) requirements apply to all priority projects as of March 25, 2008. These requirements are found on page 19 (Section D.1.d. (4) a & b) of the Municipal Storm water Permit:

<http://www.swrcb.ca.gov/rwqcb9/programs/stormwater/sd%20permit/r9-2007-0001/Final%20Order%20R9-2007-0001.pdf>.

The draft LID Handbook is a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. The handbook gives an overview of LID. Section 2.2 reviews County DPW planning strategies as they relate to requirements from the Municipal Permit. The Fact Sheets in the Appendix may be useful for information on all of the engineered techniques. Additional information can be found in the extensive Literature Index. You can access the Handbook at the following DPLU web address:

http://www.sdcounty.ca.gov/dplu/LID_PR.html.

NOTICE: On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit must be implemented beginning March 25, 2008. The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link on Page 19, Section D.1.d (4), subsections (a) and (b):

<http://www.swrcb.ca.gov/rwqcb9/programs/stormwater/sd%20permit/r9-2007-0001/Final%20Order%20R9-2007-0001.pdf>.

All priority projects must minimize directly connected impervious areas and promote biofiltration. D.1.d(4) subsections (a) and (b) are the minimal site design requirements that project applicants must address and implement. These can be summarized into the following four requirements: Disconnect impervious surfaces, Design impervious surfaces to drain into properly designed pervious areas, Use pervious surfaces wherever appropriate, Implement site design BMPs. The applicant / engineer must determine the applicability and feasibility of each requirement for the proposed project and include them in the project design, unless it can be adequately demonstrated which (if any) of the requirements do not apply.

Attachment C

Environmental Documentation



County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017

AN ADDENDUM TO THE PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT REPORT FOR THE EAST OTAY MESA SPECIFIC PLAN, FOR PURPOSES OF CONSIDERATION OF TRAVEL PLAZA, MUP 98-024W1

MARCH 10, 2008

CEQA Guidelines, Section 15164 (a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 or 15163 calling for the preparation of subsequent or supplemental EIR have occurred.

Discussion:

There are some changes and additions, which need to be included in an Addendum to the previously certified EIR to accurately cover the new project. The additions are underlined and deletions are struck out. The changes and additions consist of the following:

1. To the Project Name add THE TRAVEL PLAZA
2. To the Project Number(s) add MUP 98-024W1, LOG NO. 93-19-006N
3. To the Project Description add A Permit for a Travel Plaza is proposed within the East Otay Mesa Specific Plan, Subarea 1. The project is a modification to a previously approved Major Use Permit on an approximately 80 acre parcel in the East Otay Mesa Specific Plan Area. The previously approved permit was for truck and trailer parking and a multi use commercial facility, including fuel sales, service bays, offices, convenience store, driver services, restaurant, parking and a three story hotel. The previously approved uses were never constructed and the project site remains vacant. The Modification adds approximately 600 truck parking spaces in a previously undeveloped area. It includes three additional driveways along Enrico Fermi Drive and a change in the location of the two driveways off Airway Road. It also includes changes to the location of the detention basins and an increase in the slope ratio for those basins from 3:1 to

2:1. An interim use for truck and trailer storage is included in this permit and is located in the proposed future alignment for SR-11.

4. To the Required Mitigation Measures add as indicated: “Refer to the attached Environmental Review Update Checklist Form for Projects with a Previously Approved Environmental Document dated March 10, 2008 for the rationale for requiring the following measures:”

Noise

1. Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County approved acoustical engineer, demonstrating that the present and anticipated future noise levels for the interior and exterior of the “noise sensitive” land uses (hotel, motel etc.) will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dB CNEL)]. Future traffic noise level estimates for Airway Road shall use a traffic flow equivalent to a Level of Service “C” traffic flow for a Major Road that is the designated General Plan Circulation Element buildout roadway classification.
2. Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans.

Paleontological Resources

Prior to the issuance of a grading permit pursuant to this Major Use Permit Modification:

1. Provide verification that a qualified paleontologist and/or paleontological monitor has been retained to monitor construction prior to any cutting within sensitive formations. The qualified paleontologist shall attend pre-construction meetings to discuss grading plans with the excavation contractor. The requirement for paleontological monitoring shall be noted on the grading and/or improvement plans. The paleontologist’s duties shall include monitoring, salvaging, preparation of materials for deposit at a scientific institution that houses paleontological collections, and preparation of a results report. These duties are as follows:
 - a. The paleontological monitor shall be on-site during the initial cutting of previously undisturbed areas of sensitive formations to inspect for well preserved fossils. The paleontologist shall work with the contractor to determine the monitoring locations and the amount of time necessary to ensure adequate monitoring of the project site.

- 3 -

- b. In the event well preserved fossils are found, the paleontologist shall have the authority to divert, direct or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains in a timely manner. At the time of discovery, the paleontologist shall contact the Department of Planning and Land Use for concurrence with salvaging methods before construction is allowed to resume.
- c. A report documenting the results of the paleontological monitoring program shall be prepared by the paleontologist for review and approval by the Department of Planning and Land Use.

Traffic

Prior to any occupancy or use of the premises pursuant to this Major Use Permit, the applicant shall:

1. Pay into the Transportation Impact Fee (TIF) adopted by the San Diego County Board of Supervisors on April 20, 2005, effective June 19, 2005. Prior to issuance of building permits for construction of the buildings for Phase 2 or prior to use of the premises for Phase 1 pursuant to this Major Use Permit, whichever occurs first, the applicant shall pay the TIF as specified in a Traffic Impact Study (TIS) for Travel Plaza, prepared by Darnell & Associates, Inc., dated August 8, 2007.
-



ERIC GIBSON
INTERIM DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
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March 10, 2008

Environmental Review Update Checklist Form For projects with Previously Approved Environmental Documents

FOR PURPOSES OF CONSIDERATION OF EAST OTAY MESA TRAVEL PLAZA MUP MODIFICATION; P98-024W1, ER 93-19-006N

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary action.

1. Background on a previously certified EIR:

- a. An Environmental Impact Report (EIR) for the East Otay Mesa Specific Plan (SP 93-004); GPA 94-02; Log No. 93-19-6 was certified by the County of San Diego Board of Supervisors on July 27, 1994. The certified EIR found significant effects to Biological Resources, Noise, Land Use, Landform Alteration/Visual Quality, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Transportation and Circulation, Air Quality, Health and Safety, Public Services and Utilities, and Population/Housing/Employment. These effects were determined to be mitigated or avoided to a level below significance except for effects on Biological Resources and Noise.
- b. Addendum #1 dated January 13, 1999; SPA 98-002; Log No. 93-19-016; was approved by the County of San Diego Board of Supervisors on January 13,

- 1999 (4). This addendum allowed for the sales of gasoline in land use areas as Support Commercial.
- c. Addendum #2 dated July 1, 1999; GPA 99-CE; Log No. 93-19-006 was approved by the Board of Supervisors on December 15, 1999 (2). This addendum added Highway SR-11 to the County Circulation Element.
 - d. Reliance on the existing EIR with no modification was approved by the Planning Commission on June 20, 2000, for the East Otay Mesa Truck Travel Plaza; P98-024; Log No. 98-19-020. This is the Major Use Permit that is being modified with the current project.
 - e. Addendum #3 dated June 21, 2000; Log No. 93-19-006; approved by the County of San Diego Board of Supervisors on June 21, 2000 (14) for the adoption of Interim Ordinance No. 9226 restricting certain uses within the East Otay Mesa Specific Plan.
 - f. Reliance on the existing EIR with no modification was approved by the County of San Diego Board of Supervisors on July 26, 2000 (4); adoption of Ordinance No. 9235 approved the first extension of Interim Ordinance No. 9226. Used Addendum #3 (dated June 21, 2000) as the environmental document.
 - g. A Supplemental EIR dated December 15, 2000 was approved by the Planning Commission on December 15, 2000, for the Sun Road Centrum project; TM 5139Rpl⁶; Log No. 93-19-013.
 - h. Addendum #4 dated March 12, 2001, was approved by the Board of Supervisors on April 3, 2001. This project approved an agreement with PG&E Generating Company for acquisition and dedication of sewer easement. On May 1, 2001, the Board of Supervisors adopted Resolution 01-027 consenting to acquisition of easements by means of eminent domain.
 - i. Addendum #5 dated February 23, 2001 was approved by the Zoning Administrator on May 1, 2001. This addendum was for the Burke Truck Parking and Storage project; ZAP 99-029; Log No. 99-19-016.
 - j. Reliance on the existing EIR for adoption of Ordinance No. 9344 was approved by the County of San Diego Board of Supervisors on June 13, 2001 (5), amending and extending the Interim Ordinance No. 9226 as previously amended by Ordinance No. 9235. Used Addendum #3 (dated June 21, 2000) as the environmental document.
 - k. Addendum #6 dated March 28, 2002 was approved the Board of Supervisors on June 12, 2002 (4), for the Amendment to the East Otay Mesa Specific Plan. The purpose of the amendment was to update the land use plan and permit processing requirements and split the Specific Plan Area into

Subareas 1 and 2. SPA 00-005; GPA 02-CE1; Log No. 93-19-006A. Documents associated with this project are on the "East Otay Mesa Specific Plan" CD.

- i. Reliance on the existing EIR with no modification was approved by the County of San Diego Director of Planning and Land Use on December 4, 2002, for the PG&E Subdivision, TPM 20570Rpl³, Log No. 00-19-027. The project split a 79-acre parcel into 3 parcels having 22.67, 46.02, and 13.10 acres, respectively. Parcel 2 (46.02 acres) was the location for the Otay Mesa Generating Project certified by the California Energy Commission on April 23, 2001.
- m. Reliance on the existing EIR with no modification was approved by the County of San Diego Board of Supervisors on July 9, 2003, for East Otay Auto Storage, MUP 00-012, Log No. 00-19-007. The project was for an insurance auto auction and storage yard.
- n. Addendum #7 dated March 4, 2003 was approved by the Planning Commission on April 11, 2003 for the Revised Tentative Map for the Sunroad Tech Centre project, TM 5139Rpl⁶R², ER 98-19-013A. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6) and the Supplemental EIR for the Sunroad Tech Centre Tentative Map, TM 5139Rpl⁶, Log No. 93-19-013.
- o. Reliance on the existing EIR with no modification was approved by the Director of Planning and Land Use on October 2, 2003 for TPM 20701, ER #93-19-006A, Burke. The project is a minor subdivision of 39.31 gross acres into four parcels of 9.48, 9.37, 8.80 and 11.66 acres each.
- p. Reliance on the existing EIR with no modification was approved by the County of San Diego Director of Public Works on January 28, 2004, for East Otay Mesa Parcel B Grading Plan, L-14456. The grading plan was for the grading of a 20.68 acre pad for future development
- q. Reliance on the existing EIR with no modification was approved by the County of San Diego Director of Planning and Land Use on April 16, 2004 for Otay Mesa Property, LP/D&D Landholdings Boundary Adjustment/Certificate of Compliance BC 02-0150, Log No. 02-19-020. The Boundary Adjustment changed the boundaries of four existing parcels (APNs 648-040-21,22 and 648-050-15, 16) to create more marketable parcels for future development pursuant to the East Otay Mesa Specific Plan.
- r. Reliance on the existing EIR with no modification was approved by the County of San Diego Board of Supervisors on February 2, 2005 (4) for an amendment to the East Otay Mesa Specific Plan (SPA 04-002), Log No. 93-19-006O, approved by Resolution No. 05-11. The Environmental Review Update Checklist Form was dated November 24, 2004. The Specific Plan

Amendment revised the public landscaping requirements for Subarea 1 to improve safety.

- s. Addendum #8 dated May 20, 2005 was approved by the Planning Commission on June 24, 2005 for Otay Mesa Auto Transfer, Major Use Permit P03-001, ER 93-19-006C. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- t. Reliance on the existing EIR with no modification was approved by the County of San Diego Board of Supervisors on November 2, 2005 (3) for an Amendment to the East Otay Mesa Specific Plan (SPA 05-005, Log No. 93-19-006U), approved by Resolution No. 05-216. The Environmental Review Update Checklist Form was dated August 8, 2005. The Specific Plan Amendment revised the parking requirements in Subarea 1 to conform to the standards in place for Subarea 2.
- u. Reliance on the existing EIR with no modification was approved by the Director of Planning and Land Use on December 2, 2005 for a boundary adjustment and certificate of compliance for the Pilot Travel Center (BC 05-0118, Log No. 93-19-006V).
- v. Addendum #9 dated January 31, 2006 was approved by the Planning Commission on March 10, 2006 for the Dillard and Judd Roll County Tentative Map, TM 5394Rpl³, ER 93-19-006P. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- w. Addendum #10 dated March 27, 2006 was approved by the Planning Commission on April 21, 2006 for the Airway Business Center Tentative Map, TM 5304Rpl, ER 93-19-006A. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- x. Reliance on the existing EIR with no modification was approved by the Director of Planning and Land Use on April 12, 2006 for an Administrative Permit for clearing for the TPO LLC property (AD 04-025, Log No. 04-19-010).
- y. Reliance on the existing EIR with no modification was approved by the Director of Public Works on April 21, 2006 for Improvement Plans for Paseo de La Fuente (CG 4530); for 20.68 acres of grading for future development of the Border Patrol Site (L14456); and, for 73.5 acres of grading for future development of the Travel Plaza Site (L14632).
- z. Reliance on the existing EIR with no modification was approved by the Director of Public Works on May 19, 2006 for 13.5 acres of grading for future development of the Power Plant Laydown Site (L14208).

- aa. Reliance on the existing EIR with no modification was approved by the Director of Public Works on June 30, 2006 for 13.45 acres of grading for future development of the Vulcan Site (L14625).
 - bb. Addendum #11 dated August 7, 2006 was approved by the Director of Planning and Land Use on August 29, 2006 for the Otay Logistics Industrial Park (Trammell Crow) Site Plan, S05-018, ER 93-19-006S. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
 - cc. Addendum #12 dated November 17, 2006 was approved by the Director of Planning and Land Use on November 17, 2006 for the Pilot Travel Center Site Plan, S05-021, ER 93-19-006T. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
 - dd. Addendum #13 dated November 8, 2006 was approved by the Director of Planning and Land Use on December 1, 2006 for the Calpine Minor Subdivision, TPM 21012, ER 00-19-27B. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
 - ee. Addendum #14 dated June 15, 2007 was approved by the Board of Supervisors on August 1, 2007 (1) for the East Otay Mesa Update, SPA 06-003, GPA 06-013, ER 93-19-006Y. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
2. Lead agency name and address:
County of San Diego, Department of Planning and Land Use
5201 Ruffin Road, Suite B,
San Diego, CA 92123-1666
- a. Contact Daniella Rosenberg, Project Manager
 - b. Phone number: (858) 694-3829
 - c. E-mail: Daniella.rosenberg@sdcounty.ca.gov
3. Project applicant's name and address:

TRH, Inc.
Toby Hallal
1350 Columbia Street, Suite 702
San Diego, CA 92101

4. Summary of the activities authorized by present permit/entitlement application(s):

The current project is a Major Use Permit Modification (MUP 98-024W1) in the East Otay Mesa Specific Plan Area, Subarea 1. The project is a modification to a previously approved Major Use Permit on an approximately 80 acre parcel in the East Otay Mesa Specific Plan Area. The previously approved permit was for truck and trailer parking and a multi use commercial facility, including fuel sales, service bays, offices, convenience store, driver services, restaurant, parking and a three story hotel. The previously approved uses were never constructed and the project site remains vacant. The Modification adds approximately 600 truck parking spaces in a previously undeveloped area. It includes three additional driveways along Enrico Fermi Drive and a change in the location of the two driveways off Airway Road. It also includes changes to the location of the detention basins and an increase in the slope ratio for those basins from 3:1 to 2:1. An interim use for truck and trailer storage is included in this permit and is located in the proposed future alignment for SR-11.

5. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?

YES

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NO

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The differences in the Major Use Permit Modification (P 98-024W1) and the previously approved Major Use Permit (P 98-024) are discussed above. However, the previously approved project for which this project is being reviewed against is the East Otay Mesa Specific Plan, per CEQA Guidelines Section 15162 through 15164. The proposed Major Use Permit Modification is a subsequent permit that was anticipated by the Specific Plan and evaluated under the previously certified EIR.

6. **SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS EIR.** The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

☒ NONE☐ Aesthetics☐ Biological Resources☐ Hazards & Haz. Materials☐ Mineral Resources☐ Public Services☐ Agriculture Resources☐ Cultural Resources☐ Hydrology/Water Quality☐ Noise☐ Recreation☐ Air Quality☐ Geology/Soils☐ Land Use/Planning☐ Population/Housing☐ Transportation/Traffic

☐ Utilities/Service Systems

☐ Mandatory Findings of Significance

DETERMINATION:

On the basis of this analysis, the Department of Planning and Land Use has determined that:

- ☒ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified EIR is adequate upon completion of an ADDENDUM.
- ☐ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with an EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.

March 10, 2008

Signature

Date

Daniella Rosenberg
Printed Name

Project Manager
Title

INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an ND has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or
 - b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration or previously certified EIR; or
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration or EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that may cause one or more effects to environmental resources. The responses support the "Determination," above, as to the type of environmental documentation required, if any.

ENVIRONMENTAL REVIEW UPDATE CHECKLIST

I. AESTHETICS – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

YES
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NO
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II. AGRICULTURAL RESOURCES – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agricultural resources including: conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use and/or conflicts with existing zoning for agricultural use or Williamson Act contract?

YES
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NO
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III. AIR QUALITY -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State

Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

YES

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NO

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IV. BIOLOGICAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

YES

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NO

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Since approval of the original Specific Plan, the County of San Diego has adopted the Multiple Species Conservation Program (MSCP). The project is within a Minor Amendment area of the South County Segment of the County of San Diego MSCP Subarea Plan. Development of these areas requires that the project be reviewed and MSCP Findings made before the project can be added to the Subarea Plan. The County of San Diego prepared MSCP findings on dated March 20, 2006 and a concurrence letter was received from the California Department of Fish and Game and the United States Fish and Wildlife Service on March 30, 2006.

The project will impact 73.5 acres of non native grassland. These impacts to non-native grassland have been mitigated at a 1:1 ratio by the contribution of \$10,000.00 per acre of mitigation responsibility to the San Diego Foundation, to be used for management of non-native grassland preserve areas in Otay Mesa. With the inclusion of these measures, the project qualified for an amendment to the MSCP and the eventual Third Party Beneficiary Status and take authorization that accompanies inclusion into the MSCP. The project provides a benefit to the preserve, as discussed in the biological resources report and the County's MSCP Findings. Based on staff's findings of conformance with the MSCP, the project will not result in new or more severe impacts than those anticipated by the previous EIR.

V. CULTURAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or

more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

YES

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NO

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VI. GEOLOGY AND SOILS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

YES

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NO

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VII. HAZARDS AND HAZARDOUS MATERIALS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

YES

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NO

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Since the East Otay Mesa Specific Plan was approved, there have been changes in the circumstances under which the project was undertaken related to Hazards. The project site is located within the declared Urban-Wildland Interface (UWI) area or a Hazardous

Fire Area, and a Fire Protection Plan was prepared by the applicant and approved by the Fire Chief and DPLU pursuant to Article 86, Section 8601 of the 2001 California Fire Code. The approved Fire Protection Plan details the adequacy of the water supply, proposed access, building ignition and fire resistance, fire protection systems and equipment, Fuel Modification Zones and vegetation management. The following project design measures will also be implemented as a part of the project:

- A 100 ft hazard reduction zone shall be implemented around all structures and a 10ft fuel reduction zone shall be developed on both sides of any roads or driveways. Hydrants shall be installed every 350 ft along Otay Mesa Road and Enrico Fermin Drive where it fronts the project.
- Hydrants shall also be installed every 350 ft along Airway Road with an emphasis for them to be placed near each of the entrances.
- All signalized intersections shall have pre-emptive devices installed to reduce response times of fire agencies.

Therefore, although there are changes in circumstances, these changes will not result in new significant environmental effects related to hazards.

VIII. HYDROLOGY AND WATER QUALITY -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES

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NO

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Since the previous EIR was adopted, there have been changes in the circumstances under which the project was undertaken related to hydrology and water quality. The County of San Diego has approved and implemented the Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO). In order to demonstrate compliance with the WPO, the project submitted a Stormwater Management Plan (SWMP) prepared by K & S Engineering, dated February 2007, submitted on March 21,

2007, which identifies potential construction and post-construction pollutants that may result from the project and also identifies BMPs to address the pollutants. As such the project is not anticipated to result in any substantial increase in polluted runoff or any significant adverse effects to water quality. The SWMP received for the project has been approved by DPW and it has been found that the project will reduce adverse effects to water quality to the maximum extent practicable and as such complies with the requirements of the WPO.

Although changes in circumstances were identified, these changes did not result in new significant environmental effects related to hydrology and water quality. The changes in the revised map will not change the determination made for the previously approved Tentative Map and there are no additional changes in circumstance or new information of substantial importance that has been found since the map was approved.

IX. LAND USE AND PLANNING -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

YES

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NO

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X. MINERAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES

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NO

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XI. NOISE -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public

use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

YES

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NO

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The previously approved Major Use Permit, P 98-024, included a condition that a Noise Protection Easement be dedicated to County of San Diego over southwest portion of the site which includes the proposed location for the hotel and other noise sensitive land uses. This condition will be carried forward in the Decision for the Tentative Parcel Map that will be required as a condition for the Major Use Permit Modification.

XII. POPULATION AND HOUSING -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

YES

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NO

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XIII. PUBLIC SERVICES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

YES

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NO

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XIV. RECREATION -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

YES

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NO

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XV. TRANSPORTATION/TRAFFIC -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually

or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES

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NO

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Since the previous EIR was certified, the County of San Diego has developed an overall programmatic solution that addresses existing and projected future road deficiencies in the unincorporated portion of San Diego County. This program includes the adoption of a Transportation Impact Fee (TIF) program to fund improvements to roadways necessary to mitigate potential cumulative impacts caused by traffic from future development. Based on SANDAG regional growth and land use forecasts, the SANDAG Regional Transportation Model was utilized to analyze projected build-out (year 2030) development conditions on the existing circulation element roadway network throughout the unincorporated area of the County. Based on the results of the traffic modeling, funding necessary to construct transportation facilities that will mitigate cumulative impacts from new development was identified. Existing roadway deficiencies will be corrected through improvement projects funded by other public funding sources, such as TransNet, gas tax, and grants. Potential cumulative impacts to the region's freeways have been addressed in SANDAG's Regional Transportation Plan (RTP). This plan, which considers freeway buildout over the next 30 years, will use funds from TansNet, state, and federal funding to improve freeways to projected level of service objectives in the RTP.

The proposed project generates additional 2,378 new daily trips, 207 new AM peak hour trips, and 210 new PM peak hour trips. This is 37 fewer trips than the previously approved Major Use Permit. These trips will be distributed on circulation element roadways in the County that were analyzed by the TIF program, some of which currently or are projected to operate at inadequate levels of service. These project trips therefore contribute to a potential significant cumulative impact and mitigation is required. The potential growth represented by this project was included in the growth projections upon which the TIF program is based. Therefore, payment of the TIF, which will be required at issuance of building permits, in combination with other components of the program described above, will mitigate potential cumulative traffic impacts to less than significant.

The project will have potentially significant cumulative traffic impacts to the roadway segments and intersections that require mitigation. A Traffic Impact Study (TIS) for Travel Plaza, prepared by Darnell & Associates, Inc., dated August 8, 2007 has been completed. The TIA identified cumulative impacts to the following County road segments:

- Sanyo Avenue to Enrico Fermi; and

- Enrico Fermi Drive to Alta Road.

The project intends on paying County TIF to mitigate the project's cumulative impacts on the above County roadways.

XVI. UTILITIES AND SERVICE SYSTEMS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

YES

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NO

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XVII. MANDATORY FINDINGS OF SIGNIFICANCE: Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?

Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

YES

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NO

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XVIII. REFERENCES USED IN THE COMPLETION OF THE ENVIRONMENTAL REVIEW UPDATE CHECKLIST FORM

Anthony J. Lewis, "Seiche," Discovery Channel School, original content provided by World Book Online, <http://www.discoveryschool.com/homeworkhelp/worldbook/atozgeography/s/500060.html>, June 25, 2001.

Bennett Realty Group Oaty mesa Truck Stop Acoustical Study, San Diego, CA (ISE Report #99-043), Investigative Science and Engineering, January 31, 2000.

California Department of Fish and Game. Fish and Game Code, Section 1600 *et. seq.*

California Environmental Quality Act, CEQA Guidelines 1997

California Environmental Quality Act. 2001. California Code of Regulations, Title 14, Chapter 3, Section 15382.

California Integrated Solid Waste Management Act, 1989

California Integrated Waste Management Board, Title 14, Natural Resources, Division 7

California Integrated Waste Management Board, Title 27, Environmental Protection, Division 2, Solid Waste

California Public Resources Code, CPRC, Sections 40000-41956

CEQA Preliminary Hydrology/Draianage Study for Esat Otay Mesa Travel Plaza MUP Modification, Kamal Sweis, May 27, 2008.

City of Los Angeles, L.A. CEQA Thresholds Guide, Section C Geology, D Water Resources

County Code of Regulatory Ordinances, Title 3, Division 5, Chapter 3

County of San Diego Conservation Element of the General Plan (especially Appendices G – Unique Geological Features, Pages X-G-1thru X-G-7)

County of San Diego Public Facility Element of the General Plan (Section 6-Solid Waste, XII-6-1)

County of San Diego Scenic Highway Element of the General Plan

County of San Diego Zoning Ordinance (Agricultural Use Regulation, Sections 2700-2720)

County of San Diego. Resource Protection Ordinance, Article II (16-17). October 10, 1991

County of San Diego. 1997. Multiple Species Conservation Program, County of San Diego Biological Mitigation Ordinance

County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (WPO) (Ordinance Nos. 9424 and 9426, County Codes §§ 67801 et seq.), February 20, 2002

Farmland Mapping and Monitoring Program, California Department of Conservation, Division of Land Resource Protection, 1998

<http://www.lacity.org/EAD/laceqa/ceqaindex.html>

Order No. 2001-01, NPDES No. CAS 0108758, California Regional Water Quality Control Board, San Diego Region

Ordinance 8334, An Ordinance to amend the San Diego County Code of Regulatory Ordinances relating to Flood Damage Prevention, Adopted by the Board of Supervisors on 12/7/93

Public Resources Code Sections 4290 and 4291

San Diego County Light Pollution Code (San Diego County Code Section 59.101)

Traffic Impact Study for Travel Plaza MUP 98-024W1 In the County of San Diego, Darnell and Associates, Inc., July 26, 2007.

The Importance of Imperviousness from *Watershed Protection Techniques* Vol. 1, No. 3 - Fall 1994 by Tom Schueler Center for Watershed Protection

The Resource Conservation and Recovery Act (RCRA), 1976

Uniform Fire Code, Article 9 and Appendix II-A, Section 16

Ventura County Initial Study Assessment Guidelines, Ventura County, November 1992.

Water Quality Control Plan for the San Diego Basin (9), California Regional Water Quality Control Board, San Diego Region

Wetland Training Institute, Inc. 1993. Wetland Delineation Lecture Notes based on Corps of Engineers 1987 Manual

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations (Article IV, Sections 1 & 2) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Article IV, Section 3) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Steep Slope section (Article IV, Section 5)?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Article IV, Section 6) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Article IV, Section 7) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

Wetland and Wetland Buffers:

The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. Therefore, it has been found that the proposed project complies with the Resource Protection Ordinance.

Floodways and Floodplain Fringe: The project is not located within a floodway or floodplain as defined in the RPO nor is it near a watercourse plotted on any official County floodway or floodplain map. Therefore, it has been found that the proposed project complies with the Resource Protection Ordinance.

Steep Slopes: The average slope for the property is less than 25 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with the Resource Protection Ordinance.

Sensitive Habitats: No sensitive habitat lands were identified on the site. The entire property is covered by non-native grassland. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the Resource Protection Ordinance.

Significant Prehistoric and Historic Sites: A testing and significance evaluation program was conducted and reported in the extended study, Site Significance

Evaluation of Two Prehistoric Archaeological Sites Located on Otay Mesa, San Diego County, California prepared by Mooney and Associates, dated June 1999. As summarized in the report, the subsurface components at both sites were minimal and neither site is significant according to RPO criteria. Therefore, it has been found that the proposed project complies with the Resource Protection Ordinance.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES
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NO
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NOT APPLICABLE
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Discussion:

The project Storm Water Management Plan received August 8, 2007 was reviewed for this project and is in compliance with the WPO.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES
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NO
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NOT APPLICABLE
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Discussion:

The project proposes a mixed use area with a hotel, which is considered a noise sensitive land use. Therefore, the following mitigation has been proposed to reduce the noise impacts to the area and ensure the project's compliance with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance.

1. Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County approved acoustical engineer, demonstrating that the present and anticipated future noise levels for the interior and exterior of the "noise sensitive" land uses (hotel, motel etc.) will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dB CNEL)]. Future traffic noise level estimates for Airway Road shall use a traffic flow equivalent to a Level of Service "C" traffic flow for a Major Road that is the designated General Plan Circulation Element buildout roadway classification.
2. Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans.

Attachment D

MSCP Documentation

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
For Five East Otay Mesa Projects
CG 4530, L-14456, L-14625, L-14632, L-14208**

March 20, 2006

I. Introduction

The proposed project consists of five separate grading plans located in the East Otay Mesa area. These projects are subject to the policies of the East Otay Mesa Specific Plan Subarea I (SPA00-005), which allows the uses proposed.

Four of the projects (CG 4530 (Loop Road), L-14456, L-14625, and L-14208) are located east of the intersection of Otay Mesa Road and Alta Road. These projects will be referred to the "Parcel B Projects" in these findings. The fifth project, L-14632 (Travel Plaza) is located nearby at the corner of Otay Mesa Road and Enrico Fermi Drive in the community of Otay Mesa an unincorporated area of San Diego County. All of these projects are located within a minor amendment area to the South County segment of the County's Multiple Species Conservation Program (MSCP) Subarea Plan and, once there is concurrence from the CA Department of Fish and Game and the US Fish and Wildlife Service (Wildlife Agencies) with the minor amendment, will be subject to the Biological Mitigation Ordinance (BMO).

These sites are undeveloped and are, in general, surrounded by non-native grasslands and/or undeveloped former agricultural land to the north, east and south. There is development to the west and proposed development to the northeast of the site. In addition to biological surveys conducted during the environmental review of the East Otay Mesa Specific Plan, project specific biological studies were conducted and reports prepared.

Biological surveys of the Loop Road Project (CG 4530) were conducted and the results presented in a biological report prepared by REC Consultants dated November 2004.

Biological Surveys of grading plan L-14456 were conducted and the results presented in a biological report prepared by REC Consultants dated January 2004.

Biological Surveys of grading plan L-14625 were conducted and the results presented in a biological report prepared by REC Consultants and dated November 2004.

Biological Surveys of grading plan L-14208 site were conducted and the results presented in a biological report prepared by REC Consultants dated February 2005.

Biological Surveys of grading plan L-14632 were conducted and the results presented in a biological report prepared by Vince Scheidt dated December 1998.

All of these sites may provide foraging habitat for raptor species, including endangered, threatened or otherwise sensitive species such as the golden eagle and burrowing owl,

as well as potential nesting habitat for burrowing owls. The Travel Plaza Site is known to support at least five burrowing owls (USFWS personal communication). Burrowing owls have not been detected during biological surveys at the other four sites. Protocol surveys for Quino checkerspot butterfly were negative for all five sites. Otay tarplant was not noted on any of these sites.

For all five projects, it will be assumed that the entire site will be impacted as a result of the proposed use. Table 1 summarizes the impacts and associated mitigation required. These projects will impact 100.54 acres of non-native grasslands. Mitigation for project impacts to non-native grassland will consist of a monetary contribution of \$10,000 per acre of non-native grassland mitigation responsibility. The funds will form part of an endowment established with and managed by the San Diego Foundation, to be used for management of non-native grassland preserve areas in Otay Mesa. The management will address impacts to non-native grassland and sensitive species that occur in that habitat, including burrowing owl (an MSCP narrow endemic species) and other raptors. A key component of this program will be the relocation of burrowing owls to these preserve areas.

The impacts to non-native grassland associated with the Travel Plaza site (L-14632) (73.5) acres) will be mitigated at a 1:1 ratio because this site is currently occupied by burrowing owl. The Travel Plaza parcel size is 79 acres. However, 5.5 acres of this site was mitigated previously under a MSCP Minor Amendment for the Enrico Fermi Drive project. A concurrence letter for that Minor Amendment was received February 5, 2002.

Impacts to non-native grassland associated with the other four projects (54.08 acres) will be mitigated at a 0.5:1 ratio (27.04 acres). Therefore the total non-native grassland mitigation responsibility for all five projects is 100.54 acres (73.5 acres plus 27.04 acres). The corresponding mitigation contribution from these five projects will therefore be \$1,005,400.

Impacts to coastal sage scrub habitat will occur through the dedication of a biological open space easement over 4.26 acres containing coastal sage scrub habitat on east Otay Mesa. This open space easement is located adjacent to BLM land to the north and to an existing biological open space easement to the east.

Impacts to 0.34 acre Tamarisk scrub will be mitigated onsite through the creation of 0.34 acres and the preservation of an additional 0.34 acres onsite.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Offsite Mitigation (ac)
Non-native grassland (occupied by Burrowing Owl)	III	73.5	73.5	1:1	73.5
Non-native grassland	III	54.08	54.08	0.5:1	27.04
Coastal Sage Scrub	II	2.84	2.84	1.5:1	4.26
Tamarisk Scrub	I	0.34	0.34	2:1	0.68
Total:	--	76.0	76.0	--	71.48

The findings contained within this document are based on County records, staff field site visits and the biological resources reports prepared by REC Consultants, and Vince Scheidt. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

Conformance with the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service (Wildlife Agencies) will not be established until the Wildlife Agencies officially concur in writing with the minor amendment to the MSCP. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after there is concurrence by the Wildlife Agencies to the minor amendment to the MSCP, the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

Although the project site is not shown as a Pre-Approved Mitigation Area on the wildlife agencies Pre-Approved Mitigation Area Map, there are certain criteria that this land meets which qualify it as a Biological Resource Core Area.

The land is located in an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to high value habitat. Specifically, the site contains biological resources that support foraging raptors and other sensitive bird species such as the White-tailed kite, which was observed using an intermittent drainage that crosses the site, by CDFG, USFWS, and County staff on March 23, 2004. The site has been listed as potential foraging habitat for the golden eagle and Northern harrier in the Year Two Final Report for the NCCP Raptor Monitoring Project (Wildlife Research Institute for CDFG, March 19, 2004). In addition, the Travel Plaza Site currently supports burrowing owls, a MSCP Narrow Endemic Species.

The site is adjacent to high value coastal sage scrub habitat to the east which occurs on the western foothills of the San Ysidro Mountains. These areas to the east are classified as Major Amendment Areas within the County of San Diego MSCP.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

Mitigation for project non-native grassland impacts will consist of a monetary contribution for management of non-native grassland preserve areas in Otay Mesa. The funds will form part of an endowment established with and managed by the San Diego Foundation. The endowment would be used for management of non-native grassland preserve areas in Otay Mesa, and would address impacts to non-native grassland and sensitive species that occur in that habitat, including burrowing owl (an MSCP narrow endemic species) and other raptor species. The lands where the management will occur either are currently or will become preserve areas that qualify as a BRCA because they are preserves within the MSCP. Coastal sage scrub will be mitigated through the dedication of 4.26 acres of coastal sage in an area that is contiguous with BLM lands to the north and to an existing biological open space easement to the east. This CSS easement as well as the onsite wetland easement will be considered BRCAs.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The project would result in impacts to foraging habitat for raptors, including the Golden eagle, which is a Narrow Endemic Animal Species listed in Attachment D. However, this loss of foraging habitat will not be limiting to this species. The Travel Plaza project will result in impacts to burrowing owl. Burrowing owl is a Narrow Endemic Animal Species listed in Attachment D. This impact will be mitigated through the translocation of any borrowing owls onsite, the preparation of the site to discourage re-colonization, and monetary contributions toward an endowment established with and managed by the San Diego Foundation, to be used for management of non-native grassland preserve areas in Otay Mesa. The management will address impacts to non-native grassland and sensitive species that occur in that habitat, including burrowing owl (an MSCP narrow endemic

species) and other raptors. A key component of this program would be the relocation of burrowing owls to these preserve areas.

B. Preserve Design Criteria (Attachment G)

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

The site is not within a Pre-Approved Mitigation Area or designated Preserve Area.

C. Design Criteria for Linkages and Corridors (Attachment H)

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

The project is not located within a regional linkage. The intermittent drainage that crosses the Loop Road project site contains the topography to function as a potential local corridor. This intermittent drainage will be crossed twice by the roads proposed by this project. At each of these crossings large box culverts (two, four by six feet box culverts) will be installed. These culverts will be large enough to ensure that all wildlife (excluding large mammals such as mule deer) could use this potential local corridor. The remainder of this drainage will not be impacted by the proposed project. Wetland mitigation associated with this project includes preserving 0.34 acre of this drainage and creating 0.34 acre of wetland adjacent to the drainage north of the project. These areas will be protected in a Biological Open Space Easement that is contiguous with similar open space easements dedicated in the drainage further north (associated with the Calpine Project) further ensuring that this potential local corridor is preserved. To the east of the Parcel B site high value habitat (coastal sage scrub) is found in the foothills of the San Ysidro Mountains. Biological studies conducted in 1993 in connection with the East Otay Mesa Specific Plan identified Johnson Canyon and O'Neal Canyon as local wildlife movement corridors. These two canyons are one half mile and one mile respectively north west of the project site and will not be impacted by this project.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

- 1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.**

The project will not conflict with the no-net-loss-of wetlands standard in satisfying State and Federal wetland goals and policies. A jurisdictional intermittent drainage crosses the Loop Road project site. The road will cross this drainage in two locations. The northern culvert will consist of two, four by six feet, reinforced concrete box culverts that are 224 feet in length. These box culverts will convey the stream underneath the road. The southern crossing will consist of two, four by six feet, reinforced concrete box culverts that are 58 feet in length. These culverts will direct the creek under the road. The applicant will mitigate the impacts to 0.34 acre of Tamarisk Scrub resulting from the installation of these culverts by preserving 0.34 acre of Tamarisk Scrub in the intermittent drainage just north of the proposed Paseo De La Fuente Road through the dedication of a Biological Open Space Easement. In addition, they will create an additional 0.34-acre of wetlands adjacent to this preservation area, according to a Wetland Mitigation Plan that is approved by the California Department of Fish and Game, the United States Army Corps of Engineers, and the Regional Water Quality Control Board. The preservation and the creation areas will be protected through the dedication of a Biological Open Space Easement. With these mitigation measures, the project will not conflict the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

Three sensitive habitat types exist on the project site. The majority of the habitat is classified as non-native grassland, with small amounts of coastal sage scrub on the eastern edges and tamarisk scrub in the intermittent drainage which crosses the Loop Road Project. Biological studies conducted by REC and Vincent Scheidt for the project identified no unique habitats or habitat features on the project site. These non-native grasslands lack floristic diversity, but do have the structure to serve as habitat for small mammals, and reptiles and to offer foraging opportunities for raptors as well as nesting opportunities for Burrowing Owl. A 0.34-acre area of tamarisk scrub will be preserved in a dedicated Biological Open Space Easement just north of the proposed Paseo de La Fuente Road. This Open space will be contiguous to an existing open space easement over this creek that was dedicated north of the project as part of the Calpine Project. All other impacts will be mitigated in kind in the East Otay Mesa Area. By mitigating the impacts to tamarisk scrub onsite, and mitigating the impacts to non-native grassland coastal sage scrub off site (in the East Otay Mesa Area) the project will maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.

Extensive patches of coastal sage scrub habitat exist east of the project. These areas are mapped as very high in the MSCP habitat evaluation model. The project will impact 127.58 acres of non-native grassland. A small area of coastal sage scrub habitat (2.84 acres) will be impacted on the project's eastern edge. These impacts to CSS will occur on the edge of an extensive patch of CSS and will be mitigated by conserving 4.26 acre of CSS in the East Otay Mesa area, adjacent to a 512 acre biological open space area containing coastal sage scrub. The extensive patches of CSS east of the project will not be impacted. Therefore, the project provides for the conservation of spatially representative examples of extensive patches of coastal sage scrub that were ranked as having a very high biological value and are located east of the project.

Mitigation for impacts to non-native grasslands (Tier III) will take place through a monetary contribution to native grassland preservation. The funds will form part of an endowment established with and managed by the San Diego Foundation. The endowment would be used for management of non-native grassland preserve areas in Otay Mesa, and would address impacts to non-native grassland and sensitive species that occur in that habitat, including burrowing owl (an MSCP narrow endemic species) and other raptor species.

3. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.

Offsite mitigation as proposed by the project for impacts to 127.58 acres of non-native grasslands will contribute to management and preservation of sensitive species habitat where edge effects are minimal and land is protected in perpetuity. Impacts to CSS will be mitigated through the dedication of 4.26 acres of land containing coastal sage scrub and which is immediately adjacent to other similar open space areas (the O'Neal Canyon South Preserve). Therefore, both the non-native and the CSS mitigation contribute to the creation of significant blocks of habitat.

4. The project provides for the development of the least sensitive habitat areas.

The project will impact the entire site, but will avoid impacts to the onsite drainage. Onsite preservation of the intermittent drainage crossing the Loop Road Site will ensure that this sensitive habitat is not impacted. The majority of the site supports non-native grassland, with small areas of coastal sage scrub on the eastern edge. All these impacts will be mitigated in kind in the East Otay Mesa area.

5. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.

Sensitive raptor species have the potential to forage on the site. Burrowing owls are currently found on the Travel Plaza project site. The mitigation for impacts to non-native grassland will contribute to the conservation of non-native grassland, and therefore, raptor foraging and burrowing owl nesting areas. Therefore, developing the

site will not, in general, eliminate sensitive habitat, nor impact key populations of covered species.

- 6. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

The land is adjacent to undeveloped grasslands to the north and east, which ultimately connects to BLM wilderness on Otay Mountain. However, the site is not expected to provide a linkage or corridor between these lands and other habitat areas. The site's proximity to existing development and lack of shrubs or trees make it unlikely to support significant mammal use.

Raptors that have the potential to forage on the site include burrowing owl, northern harrier, white-tailed kite and prairie falcon. Burrowing owls are currently found on the Travel Plaza site. A pair of golden eagles from Otay Mountain has been observed foraging on the mesa, and could forage on the site. However, the project's contribution toward management of non-native grassland preserve areas in Otay Mesa will conserve sensitive species that forage in that habitat, including burrowing owl and golden eagle. The project's CSS mitigation will contribute 4.26 acres of habitat to the O'Neal Canyon South area. This 4.26 acre biological open space easement is adjacent to BLM lands to the North and to the O'Neal Canyon South Preserve to the east.

- 7. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

Burrowing owl, a Narrow Endemic species is found on the Travel Plaza Site. The site has been noted as potential raptor foraging habitat for the Golden eagle, and northern harrier in the Year Two Final Report for NCCP Raptor Monitoring Project (Wildlife Research Institute for CDFG, March 19, 2004). In addition, a White-tailed kite was observed in the intermittent drainage the crosses the Loop Road project site during a site visit by CDFG, USFWS, and County staff on Marcy 23, 2004.

The Golden eagle is a state species of special concern. The Golden eagle is also a covered species within the MSCP. This determination is based on the assumption that 53% of the potential foraging and nesting habitat will be preserved. Fourteen active nesting territories have been identified which occur primarily outside of the MSCP area (east and northeast of the plan area). The nearest identified nesting territory is located on East Otay Mountain. The project would not jeopardize the viability of this nesting territory. The project site has been identified as potential foraging habitat for the golden eagle. However, the loss of foraging habitat at this project site is consistent with the MSCP and will not affect the long-term survival of this species.

The MSCP and supporting documents contain an analysis of species distribution in the study area and from that information, a conservation level for each species has been established for the County Subarea. The conservation levels are expressed as the number of known occurrences to be conserved in each of the subareas. Each occurrence is a sighting of an individual, a pair, or a population of a single species in a particular location at a specific time. The conservation levels for the Burrowing Owl (*Speotyto cunicularia hypugaea*) are listed here. The number of occurrences within the County Subarea is 10. The % to be protected by the MSCP is 70%. No incidental take of burrowing owl is authorized within the County of San Diego MHPA.

The Burrowing Owl is a covered species under the MSCP. The rationale for identifying this species as covered is due to the fact that 5,770 acres of potential and 4,000 acres of known suitable habitat (grassland vegetation community) will be conserved, including portions of Spring Canyon, San Pasqual Valley, Lake Hodges, Otay Mesa northeast of Brown Field, Otay Ranch, Otay River Valley and Future Urbanizing Area 4.

The MSCP requires that impacts to Burrowing Owl Habitat shall be avoided to the maximum extent practicable. Where impacts are unavoidable, measures shall be required.

During the environmental analysis of proposed projects, burrowing owl surveys (using appropriate protocols) must be conducted in suitable habitat to determine if this species is present and the location of active burrows. If burrowing owls are detected, the following mitigation measures must be implemented: within the MHPA, impacts must be avoided; outside of the MHPA, impacts to the species must be avoided to the maximum extent practicable; any impacted individuals must be relocated out of the impact area using passive or active methodologies approved by the wildlife agencies; mitigation for impacts to occupied habitat (at the subarea plan specified ratio) must be through the conservation of occupied burrowing owl habitat or conservation of lands appropriate for restoration, management and enhancement of burrowing owl nesting and foraging requirements.

Management plans, directives must include: enhancement of known, historical and potential burrowing owl habitat; and management for ground squirrels (the primary excavator of burrowing owl burrows). Enhancement measures may include creation of artificial burrows and vegetation management to enhance foraging habitat. Management plans must also include: monitoring of burrowing owl nest sites to determine use and nesting success; predator control; establishing a 300 foot-wide impact avoidance area (within the preserve) around occupied burrows.

Eight known burrowing owl locations occur within major amendment areas of the South County Segment of the County Subarea Plan and the conservation of occupied burrowing owl habitat must be one of the primary factors of preserve design during the permit amendment process.

Burrowing owls are known to occupy the Travel Plaza Site. Mitigation for this potential impact will involve translocation of these owls followed by the preparation of the site to

ensure that it is not re-colonized by this species. The project proposes to contribute towards the conservation of grasslands on East Otay Mesa. This will take place through a monetary contribution of \$10,000 per acre of non-native grassland mitigation responsibility. The funds will form part of an endowment established with and managed by the San Diego Foundation, to be used for management of non-native grassland preserve areas in Otay Mesa. The management will address impacts to non-native grassland and sensitive species that occur in that habitat, including burrowing owl (an MSCP narrow endemic species) and other raptors. A key component of this program would be the relocation of burrowing owls to these preserve areas. The project site will also be treated so that burrowing owls do not re-colonize the site.

8. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.

The project site is not within an area of regional significance with regard to conservation of sensitive species and habitats. A minor amendment area to the MSCP according to the Subarea Plan is an area that contains habitat that can be partially or completely eliminated (with appropriate mitigation) without significantly affecting the overall goals of the County's MSCP Subarea Plan. The nearest preserve (BLM preserve) is approximately one mile to the northeast. Thus, developing the site will not hinder possible preserve systems.

9. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.

An intermittent drainage will be preserved on site. A 50 foot buffer is included to reduce edge effects.

10. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.

Most of the site is considered non-native grasslands (Tier III) for mitigation purposes. A small amount of coastal sage scrub also exists on the eastern perimeter of the project site. The Loop Road Project site contains sensitive wetland habitat that will be preserved. The Travel Plaza site contains sensitive burrowing owl (a MSCP Narrow Endemic Species). These sensitive species will be translocated and the site prepared to ensure that it is not re-colonized. The project will contribute to a fund that will conserve the translocated owls and native grassland habitat. Impacts are not considered significant once mitigation pursuant to BMO requirements is incorporated.

Tom Duffy, Department of Public Works

March 20, 2006



U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92011
(760) 431-9440
FAX (760) 431-5902 + 9618



California Department of Fish & Game
South Coast Region
4949 Viewridge Avenue
San Diego, California 92123
(858) 467-4201
FAX (858) 467-4299

In Reply Refer To:
FWS/CDFG-SDG-4636.5

July 11, 2006

Mr. Tom Duffy
County of San Diego
Department of Public Works
5555 Overland Ave. Suite 2188
San Diego, California 92123-1295

Subject: Conditional Concurrence for the Proposed Travel Plaza Haul Road, East Otay Mesa Region, San Diego County

Dear Mr. Duffy:

The California Department of Fish and Game (Department) and U.S. Fish and Wildlife Service (Service), jointly referred to as the Wildlife Agencies, have reviewed the biology report prepared by REC (dated May 2006) for proposed haul route associated with the Travel Plaza development project. Particular attention was given to the presence of burrowing owls (*Athene cunicularia*), as well as to potential burrows which could be used by burrowing owls, in proximity to the haul route. We concur with the selected route and agree that this alignment should avoid impacts to burrowing owls or other sensitive biological resources, provided that the following elements are incorporated into the construction plan.

1. The applicant will be responsible for funding a biologist(s) with expertise and specific experience in passively relocating/evicting burrowing owls away from construction activities along the haul route. This includes experience in excavating burrows which are, or appear to be, actively used by burrowing owls or have the potential to attract owls into an area where they could be adversely impacted by construction activities.
2. A biological monitor should be present on both the Travel Plaza site and along the haul route area during the initial phases of construction, anticipated to be not longer than the first week of construction and/or until such time that no potentially occupiable burrows remain on the Travel Plaza site.
3. The biological monitor should keep the Wildlife Agencies and the County promptly informed of any burrowing owl occurrences and relocation activities associated with the project. A summary memorandum should be submitted to the Wildlife Agencies and the County at the end of the active monitoring period.

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PAGE 03/03

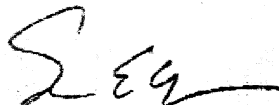
Mr. Tom Duffy (FWS/CDFG-SDG-4636.5)

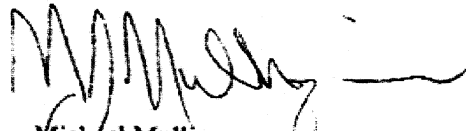
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4. Additional mitigation would not be required for the haul road provided that the land will continue to be either actively or passively restored at the completion of the project, and that any future development projects will recognize the land as non-native grassland and mitigate accordingly for this habitat.

431-9440 or David Mayer (Department)

Sincerely,


FOR Therese O'Rourke
Assistant Field Supervisor
U.S. Fish and Wildlife Service


Michael Mulligan
Deputy Regional Manager
California Department of Fish and Game

Cc by fax: Glenn Russell, County of San Diego, DPLU
Tom Oberbauer, County of San Diego, DPLU, MSCP division
Judd Halcnza, The Judd Company, (cc by fax only)



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In Reply Refer To:
FWS/CDFG-SDG-4636.4

March 30, 2006

Mr. Tom Duffy
County of San Diego
Department of Public Works
5555 Overland Ave, Suite 2188
San Diego, California 92123-1295

Subject: Request for Concurrence with proposed Minor Amendment for five East Otay Mesa
Projects: CG 4530, L14456, L14625, L14632, and L14208

Dear Mr. Duffy:

The Wildlife Agencies have reviewed the documents we received from the County of San Diego (County) on March 22, 2006, regarding the five projects referenced above. These documents included: (a) the County's letter requesting our concurrence with the proposed addition of this parcel to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, in a manner consistent with the minor amendment process in the MSCP, and (b) the associated MSCP Findings of Conformance (MSCP Findings). We concur with the proposed minor amendment and the following proposed mitigation for the project-related loss of 127.6 acres of annual grassland, 2.84 acres of coastal sage scrub, and 0.34 acre of tamarisk scrub.

The applicant will deposit \$1,005,400.00 (minus any non-refundable fees) into the Otay Mesa Grassland Mitigation Fund, at the San Diego Foundation, to be used for the management of annual grassland preserve areas on Otay Mesa for the benefit of burrowing owls, and the relocation of burrowing owls to these areas. To mitigate for impacts to coastal sage scrub, the applicant will dedicate a biological open space easement over 4.26 acres containing coastal sage scrub on east Otay Mesa, adjacent to BLM land. Impacts to tamarisk scrub will be mitigated onsite through the creation of 0.34 acre and the preservation on an additional 0.34 acre.

We appreciate working with you in the development of a mutually acceptable mitigation approach for the project-related loss of annual grassland. We look forward to working with you to finalize the burrowing owl strategy for East Otay Mesa. If you have any questions regarding

Attachment E

Ownership Disclosure



**APPLICANT'S STATEMENT OF DISCLOSURE OF CERTAIN OWNERSHIP
INTERESTS ON APPLICATION FOR LAND USE AMENDMENTS
AND PERMITS PURSUANT TO ORDINANCE NO. 4544 (N.S.)**

The ordinance requires that the following information must be disclosed at the time of filing of this discretionary permit.

A. List the names of all persons having an *interest* in the application.

TPO LLC

List the names of all persons having any *ownership interest* in the property involved.

TPO LLC

B. If any person identified pursuant to (A) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

American Real Estate Enterprises, LLC

C. If any person identified pursuant to (A) above is a non-profit organization or a trust, list the names of any persons serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

None

NOTE: Section 1127 of The Zoning Ordinance defines *Person* as: "Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."

NOTE: Attach additional pages if necessary.

TPO, LLC

By: American Real Estate Enterprises, LLC

By: [Signature]
Signature of Applicant

5/3/04
Date

Attachment F

Land Use Analysis

LAND USE ANALYSIS**I. Planning/Design Issues****A. General Plan****1. Regional Land Use Element**

The project is located within the Current Urban Development Area Regional Category. This category includes those County lands to which near-term urban development should be directed. The project proposes a commercial/industrial type of development that would occur in a generally urban area. This project, in combination with other uses that are allowed by the East Otay Mesa Specific Plan, will create an urban development area close to the border with Mexico.

2. Community Plan

The project is in the (21) Specific Plan Area Land use Designation of the Otay Subregional Plan. The Specific Plan Area in which the project is located is the East Otay Mesa Specific Plan. The East Otay Mesa Planning Area is located immediately adjacent to the U.S./Mexico border. It is comprised of approximately 3,300 acres. This area of both the City of San Diego and the County area is anticipated to become an international industrial business district. The Specific Plan Area is served by State Route 125 and is planned to be served by State Route 905 in addition to an on-site network of arterials and local roads. With the growth of the Mexican government's Maquiladora or Twin Plant Program in the early 1980's, there began to be demand for industrial land in the U.S. near the border to accommodate for the distribution and warehousing of products manufactured in Mexico. The opening of the Otay Mesa border crossing in the mid-1980's, along with improvements to Otay Mesa Road and the State Route 905, enhanced the demand for industrial development opportunities. In recognition of this demand for industrial use, the County amended its General Plan in 1983 to designate the East Otay Mesa area for general industrial and commercial uses. The project is consistent with the concept of transborder industrial commercial because the primary means of transportation will be through truck transportation. It is anticipated that there will be a high demand for the types of uses offered at the Travel Plaza.

B. Zoning**1. Use Regulations**

The site is subject to the S88 Specific Planning Area Use Regulations. When a Specific Plan is adopted in an area, any use set forth in the Specific Plan is permitted by the S88 Specific Planning Area Use Regulations as long as it is consistent with the Specific Plan. The project is consistent with the Specific Plan as detailed below.

2. Other Development Regulations

The Major Use Permit Modification is located on a parcel that is designated half Technology Business Park (northern half) and half Light Industrial (southern half) in the East Otay Mesa Specific Plan. The modification is consistent with these Land Use Designations.

The Specific Plan has Site Planning Standards for each of the Land Use Designations. The Site Planning Standards address the intensity and bulk of the project, the site access, parking, grading, building orientation, usable open spaces, service areas, fencing, walls and hedges, and lighting. The modification has been reviewed against these standards and it does conform to the regulations in the 2002 update to the Specific Plan. The only exception is the use of chain link fencing for the interim use. Chain link fencing was approved for the previously approved Major Use Permit and is being carried forward with the approval of the modification. The interim use will expire in five years, and will most likely not be renewed since the use is located in the proposed alignment of State Route 11.

C. Major Use Permit

Before any use permit may be granted it shall be found:

The location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures with consideration given to:

1. Harmony in scale, bulk, coverage, and density

Scale generally relates to structural height and building size. The majority of the existing development in the area is located within the City of San Diego. It consists of industrial/business park types of uses. The height of buildings is generally about 30 feet. The proposed Major Use Permit

Modification does not propose any additional building development and will, therefore, not affect the scale of the project.

Coverage refers to the amount of lot area that is covered by buildings. The structural coverage of the approved use is about 5 percent, which is considerably less than exhibited by the existing development within the vicinity. The proposed Major Use Permit Modification will not change the coverage on the property.

Bulk combines the elements of height and coverage. Since the proposed Major Use Permit Modification does not change the height factor or the coverage factor of the project, it does not affect the bulk.

No residential use is proposed, thus density is not a factor.

2. The availability of public facilities, services, and utilities

The project is located within the San Diego Rural Fire Protection District. Based on the capacity and capability of the District's existing and planned facilities, fire protection facilities are currently adequate or will be adequate to serve the proposed project. The primary fire station that will serve this project is located at the Donovan State Prison. Emergency travel time to the project site is five minutes. The District has indicated a number of requirements that include the number and location of fire hydrants and these have been made conditions of project approval.

The project is located within the East Otay Mesa Sewer Maintenance District. Facilities to serve the project have been made available to the project.

The project will receive water service from the Otay Water District. Facilities to serve the project are reasonably expected to be available within the next five years based on the capital facility plans of the district.

3. The harmful effect, in any, upon desirable neighborhood character

The Major Use Permit Modification conforms to the East Otay Mesa Specific Plan and its planning and design guidelines. Any proposed development in the area will be required to conform to the criteria set forth in the Specific Plan. There is some existing industrial/business park development located to the southwest of the project site within the City of San Diego that has been developed with attention given to architecture style and landscaping. New development will be required to conform to the Guidelines and will be compatible with the character of the existing development within the City of San Diego.

4. The generation of traffic and the capacity and physical character of surrounding streets

The Major Use Permit Modification, according to the Traffic Impacts Study completed by Darnell and Associates dated March 20, 2007, will generate 37 fewer daily trips than the approved Major Use Permit.

5. The suitability of the site for the type and intensity of use or development which is proposed.

The site has been completely graded and is prepared for development. Any biological resources that were on the site have been mitigated for and a Minor Amendment to the County's MSCP has been completed. The proximity of the site to the international border and the existing and planned industrial/business park uses in the vicinity should complement the proposed use. Plenty of parking is provided for both trucks and passenger cars.

The impacts, as described in Finding (a) above, and the location of the proposed use will be consistent with the San Diego County General Plan.

The Major Use Permit Modification conforms to the East Otay Mesa Specific Plan. The East Otay Mesa Specific Plan is part of the Otay Subregional Plan which is part of the County's General Plan.

II. California Environmental Quality Act (CEQA)/Resource Protection Ordinance (RPO) Issues

A. CEQA

It is found that there are no new significant environmental effects, and no substantial increase in severity of effects identified in an earlier EIR for the proposed project are present as the result of 1) changes in the project, 2) changes in circumstances under which the project is undertaken; or 3) new information which could not have been known without the exercise of reasonable diligence at the time the previous EIR was adopted. Therefore, the previously adopted EIR is considered adequate upon completion of an addendum.

B. RPO

1. Slope: The site does not have steep slopes as defined by the RPO .

Land Use Analysis

- 5 -

ATTACHMENT F

2. Floodplain: There are no floodplains as defined by the RPO located on-site.
3. Density: This project does not have a residential element, thus the density factor does not apply.

III. Other Issues

- A. None.